

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

LIZELLE GONZALEZ) (
Plaintiff) (
) (
VS.) (CIVIL ACTION NO.
) (7:24-cv-00132
GOCHA ALLEN RAMIREZ,) (
ALEXANDRIA LYNN BARRERA,) (
RENE FUENTES, and STARR) (
COUNTY, TEXAS) (
Defendants) (

ORAL AND VIDEOTAPED DEPOSITION OF
ALEXANDRIA BARRERA
MARCH 27 and APRIL 4, 2025

ORAL AND VIDEOTAPED DEPOSITION OF ALEXANDRIA BARRERA, produced as a witness at the instance of the PLAINTIFF, taken in the above-styled and numbered cause on MARCH 27, 2025, between the hours of 10:12 a.m. and 6:49 p.m., reported stenographically by DONNA McCOWN, Certified Court Reporter No. 6625, in and for the State of Texas, at Bryant & Stingley, Inc., 701 East Harrison, Suite 200, Harlingen, Texas, and remotely in Rio Grande City on APRIL 4, 2025, between the hours of 10:05 a.m. and 10:39 a.m., pursuant to the Federal Rules of Civil Procedure and any provisions stated on the record or attached therein.

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Harlingen (956) 428-0755 **McAllen (956) 618-2366**

12:20 1 A. We're all responsible at every grand jury
12:20 2 session.

12:20 3 Q. Okay. So you don't trade off or have a
12:20 4 calendar, anything like that?

12:20 5 A. No, ma'am.

12:20 6 Q. We -- when you presented to the grand jury
12:20 7 about Lizelle Gonzalez, that was March 25th, 2022, did
12:21 8 you discuss with other members of your office which
12:21 9 cases should be presented that day?

12:21 10 A. What other -- what other cases should be
12:21 11 presented?

12:21 12 Q. That one and others. Did you have any
12:21 13 discussions within the office about which cases you
12:21 14 would present that day?

12:21 15 A. I only let Mr. Ramirez know that I was going to
12:21 16 be presenting Ms. Herrera's case to the grand jury.

12:21 17 Q. Okay. Was that the only one you presented that
12:21 18 day?

12:21 19 A. No.

12:21 20 Q. Have you ever decided not to sign a grand jury
12:21 21 subpoena that's requested by a law enforcement
12:21 22 official?

12:21 23 MS. ALBIN: Objection, not relevant.

12:21 24 A. I mean, sometimes there's been an occasion
12:22 25 where a law enforcement officer is trying to request

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14:34 1 Starr County Medical Center?

14:34 2 A. The Starr County Medical Center?

14:35 3 Q. Uh-huh. Or Starr County, I'm sorry, Memorial
14:35 4 Hospital.

14:35 5 A. No.

14:35 6 Q. Is there any procedure or agreement between
14:35 7 your office and that hospital on what types of things
14:35 8 should be reported to law enforcement?

14:35 9 A. No.

14:35 10 Q. Do you know if the Starr County Medical
14:35 11 Center -- Starr County Hospital I'm just going to call
14:35 12 it, you know what I'm talking about. Do you know if
14:35 13 they have any agreement with the Starr County Sheriff's
14:35 14 Office on what actions should be reported to law
14:35 15 enforcement?

14:35 16 A. I wouldn't know if they have any agreement.

14:35 17 Q. Okay. Does the DA's office ever provide
14:35 18 guidance to that hospital or hospital employees on what
14:35 19 conduct to report as being possibly criminal?

14:35 20 A. I have never provided guidance to anybody
14:35 21 regarding legal advice at the Starr County Memorial
14:35 22 Hospital.

14:35 23 Q. Do you know if anybody else in your office has
14:36 24 done that?

14:36 25 A. Not that I'm aware of.

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14:43 1 anybody at your office about this --

14:43 2 A. I do --

14:43 3 Q. -- incident?

14:43 4 A. I do not know.

14:43 5 Q. Okay. You spoke about missing a call from the
14:43 6 sheriff's office and the call -- that call went to
14:43 7 Mr. Villarreal, is that right, when you weren't
14:43 8 available?

14:43 9 A. Well, if I remember correctly, I had a missed
14:43 10 call on my cell phone.

14:43 11 Q. Okay.

14:43 12 A. I don't know where the call went to ADA Abel
14:44 13 Villarreal.

14:44 14 Q. Okay. And in January of 2022, you knew
14:44 15 Esmeralda Muniz; is that right?

14:44 16 A. Yes, I did.

14:44 17 Q. And you know that she's a former investigator
14:44 18 with the Starr County Sheriff's Office who's recently
14:44 19 retired; is that right?

14:44 20 A. Yes, ma'am.

14:44 21 Q. So she told you that she had spoken with
14:44 22 Mr. Villarreal about this incident; is that right?

14:44 23 A. Yes. From the missed call, I guess in the --
14:44 24 in the period in between the missed call to the time I
14:44 25 returned the phone call, during that period, they had

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14:44 1 already spoken to ADA Abel Villarreal.

14:44 2 Q. Okay. Why did Ms. Muniz call you first as
14:44 3 opposed to another ADA?

14:44 4 MS. ALBIN: Objection, calls for
14:44 5 speculation.

14:44 6 Q. If you know.

14:44 7 A. I'm not sure why she would call me first.

14:44 8 Q. Did she often call you for advice about
14:44 9 investigations?

14:44 10 A. She reached out to me for advice on
14:45 11 investigations, yes, ma'am.

14:45 12 Q. Okay. Do you know what the purpose of
14:45 13 Investigator Muniz's conversation with Villarreal was?

14:45 14 MS. ALBIN: Objection, speculation.

14:45 15 A. I do not know.

14:45 16 Q. Okay. And you testified that Mr. Villarreal
14:45 17 advised Muniz that based on her description of what
14:45 18 happened, this -- that this would fit the elements of
14:45 19 murder?

14:45 20 A. Based on the preliminary facts that they had,
14:45 21 that they could possibly proceed on a murder
14:45 22 investigation.

14:45 23 Q. And how did you know that was the advice he
14:45 24 gave?

14:45 25 A. They directed me to homicide, and then they let

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14:46 1 me know that ADA Villarreal had advised them that the
14:46 2 term "individual" under the Penal Code included the
14:46 3 term -- I believe -- off the top of my head, I can't --
14:46 4 I can't recite it, but the term "individual" included
14:46 5 the -- the term -- I believe it was fetus from
14:46 6 gestation to -- I can't recite it off the top of my
14:46 7 head right now.

14:46 8 Q. Okay.

14:46 9 A. But that it fit the elements, and that
14:46 10 "individual" fit the elements as the preliminary facts
14:46 11 were given to him. That's what they told me.

14:46 12 And during that conversation, I did a
14:46 13 Google search of the Penal Code of the term
14:46 14 "individual." I saw that it was, in fact, true what he
14:46 15 had advised them.

14:46 16 Q. What was your -- you may have just answered
14:47 17 this, but what was your initial reaction when you heard
14:47 18 that this was the advice ADA Villarreal gave to Muniz?

14:47 19 A. I was surprised. But then again, I never had
14:47 20 to -- I -- in my experience as a prosecutor, I never
14:47 21 had to go and look up the term "individual." But when
14:47 22 I looked up the term "individual" under the Penal Code,
14:47 23 I was surprised that it included that definition.

14:47 24 Q. Do you know why he -- why Mr. Villarreal gave
14:47 25 inspector -- Investigator Muniz that advice that it

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14:52 1 Section 19.06. Do you remember him saying that?

14:52 2 A. No, ma'am.

14:52 3 Q. Do you know whether he was aware or not aware
14:52 4 at that time?

14:52 5 A. 19.06 was never mentioned in any of our
14:52 6 conversations.

14:52 7 Q. And she also testified that all of the
14:52 8 investigators were in the room and they were near her
14:52 9 desk. It was very early in the investigation. Do you
14:52 10 remember other investigators being on the call or
14:52 11 listening to the call?

14:52 12 A. The only two people I remember were Captain
14:52 13 Fuentes and Investigator Esmeralda Muniz.

14:52 14 Q. Okay. At that time, did you tell them to
14:52 15 continue the investigation?

14:53 16 A. I believe that the phone call ended with them
14:53 17 knowing that they were going to proceed with the
14:53 18 investigation. But as far as me telling them what to
14:53 19 do or any of that, that didn't come from me. They had
14:53 20 already spoken to ADA Abel Villarreal.

14:53 21 Q. Okay. Did you tell the sheriff's office on
14:53 22 that phone call that it could be a murder charge?

14:53 23 A. No. They had already spoken to ADA Villarreal.
14:53 24 I confirmed that the term "individual" included the
14:53 25 term -- I believe it's fetus from gestation or any

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14:53 1 stage from gestation to birth or something along those
14:53 2 lines.

14:53 3 I confirmed, because I was surprised at
14:53 4 that definition. And when I confirmed, that was pretty
14:53 5 much the end of the conversation.

14:53 6 Q. Okay. So you didn't tell them to keep
14:54 7 investigating or don't keep investigating?

14:54 8 A. No.

14:54 9 Q. Okay. Did you tell them you were uncertain at
14:54 10 all?

14:54 11 A. No. They gave me the Penal Code that ADA Abel
14:54 12 Villarreal had advised them about. I looked at it, and
14:54 13 I confirmed that, yes, it did in fact include that
14:54 14 terminology.

14:54 15 Q. And the reason you looked up the term
14:54 16 "individual" is because the term "individual" is in
14:54 17 the -- the homicide statute, Chapter 19; is that right?

14:54 18 A. I believe it's in Chapter 1, in definitions one
14:54 19 point something, 1.07. I can't recall the Penal Code
14:54 20 off the top of my head, but it's -- I think it's
14:54 21 Chapter 1.

14:54 22 Q. Yeah, the definition is in 1.07, and is the
14:54 23 word used -- "individual," is that word used in the
14:54 24 homicide statute?

14:54 25 A. Yes.

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14:54 1 Q. Okay. And is that why you looked at the
14:54 2 definition?

14:54 3 A. They told me that Abel directed them to that
14:55 4 definition term.

14:55 5 Q. Okay.

14:55 6 A. Because it was included in the homicide
14:55 7 statute.

14:55 8 Q. And during that phone call that you had with --
14:55 9 including Investigator Muniz and Captain Fuentes, did
14:55 10 you also look up -- did you look at Chapter 19, the
14:55 11 homicide chapter?

14:55 12 A. I looked at homicide, 19.01 specifically, not
14:55 13 the chapter, just 19.01. I saw -- I read the
14:55 14 definition again. "Individual" was there. And, sure
14:55 15 enough, that's when I jumped to Chapter 1 and read the
14:55 16 definition of "individual" and confirmed that what ADA
14:55 17 Villarreal had advised them on the legal definition of
14:55 18 "individual" was in fact true.

14:55 19 Q. And at the time -- at that time you -- did you
14:56 20 read through the entire Chapter 19?

14:56 21 A. No, ma'am.

14:56 22 Q. Okay. And you didn't read 19.06 at that time?

14:56 23 A. I did not.

14:56 24 Q. Okay. Were you aware that the facts of this
14:56 25 possible case involved a self-induced abortion or

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15:28 1 next day, according to these text messages.

15:29 2 A. She might have stopped by my office, yes.

15:29 3 Q. Okay. If you look at the next page, 84, that
15:29 4 is the following day, February 1st. And Ms. Muniz is
15:29 5 saying, "Good afternoon. Is now a good time, or let me
15:29 6 know when."

15:29 7 You respond, "Yes, you can come by." And
15:29 8 you tell her where you are.

15:29 9 She says, "Okay. See you in a bit." Do
15:29 10 you remember if she came by that day?

15:29 11 A. I don't remember if she came by or if I spoke
15:29 12 to her on the phone.

15:29 13 Q. She -- on the top of the next page labeled 85,
15:29 14 she says, "I forgot to mention, I have a copy of the
15:29 15 cremation certificate with the baby's name." And you
15:29 16 were not -- you said you didn't recall whether --
15:29 17 whether she actually came by that day?

15:29 18 A. I don't know if she came by in person or if we
15:30 19 spoke over the phone.

15:30 20 Q. Okay. The very next text on page 85 is from
15:30 21 that same day but later, 5:48 p.m. And you are texting
15:30 22 Ms. Muniz, and the text says, "Okay. So spoke to
15:30 23 Gocha. Just submit for grand jury review. No arrest
15:30 24 warrant."

15:30 25 A. Yes, I see that.

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15:30 1 Q. Okay. And is it correct what you said there,
15:30 2 that you had spoken with Mr. Ramirez?

15:30 3 A. Yes.

15:30 4 Q. And was he the one who decided to submit for
15:30 5 grand jury review, no arrest warrant?

15:30 6 A. Yes. And I want to clarify something. Then
15:30 7 this is when I told him -- February 1st is when I told
15:30 8 Mr. Ramirez about the case.

15:30 9 Q. Okay.

15:30 10 A. Not -- not in January when I had the
15:30 11 conversation with Aguirre. This is when I spoke to
15:31 12 him.

15:31 13 Q. Did you speak to him in person in the office?

15:31 14 A. I did.

15:31 15 Q. Was Abel there?

15:31 16 A. No.

15:31 17 Q. Was Judy Solis there?

15:31 18 A. No.

15:31 19 Q. Any other assistant DAs in that conversation?

15:31 20 A. No.

15:31 21 Q. And the grand jury in this case was
15:31 22 originally -- sorry. There was originally a grand jury
15:31 23 scheduled for February 18th at which you were going to
15:31 24 present the case, is that right, but Ms. Muniz was out
15:31 25 that day?

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15:31 1 A. I don't know if this case was scheduled for the
15:31 2 18th. I see here I advised her there was grand jury
15:31 3 the 18th, but I'm not sure if it was for this case or
15:31 4 another case.

15:31 5 Q. Okay. So this conversation, February 1st, that
15:31 6 was nearly two months before this case was presented to
15:31 7 the grand jury on March 25th. How many other
15:31 8 conversations did you have with Mr. Ramirez about this
15:32 9 case before March 25th?

15:32 10 A. Before March 25th?

15:32 11 Q. Before the day you presented it to the grand
15:32 12 jury.

15:32 13 A. I just remember that conversation with him
15:32 14 prior to grand jury.

15:32 15 Q. And does that include telephone conversations
15:32 16 as well as in-person conversations when you say that?

15:32 17 A. I don't remember, but I do remember that
15:32 18 specific meeting that we had prior to the grand jury.

15:33 19 MS. ROSENBLOOM: Does anybody need a break
15:33 20 at this point --

15:33 21 THE WITNESS: I'm okay.

15:33 22 MS. ROSENBLOOM: -- or keep going for a
15:33 23 bit? Okay. Thanks. Do you have the Villarreal
15:34 24 exhibit packet?

15:34 25 MS. ALBIN: Oh, yeah. No, I got it.

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18:35 1 A. He was not in town.

18:35 2 Q. Okay. So in the plaintiff's complaint where
18:35 3 she alleges that District Attorney Gocha Allen Ramirez
18:35 4 and Assistant District Attorney Alexandria Lynn Barrera
18:35 5 made misrepresentations of the facts and the law to the
18:35 6 grand jury, we know that the plaintiff's allegation
18:35 7 here is not true, correct?

18:35 8 A. Correct.

18:35 9 Q. And in fact, you've seen text messages today
18:35 10 where -- that the plaintiff is in possession of where
18:35 11 District Attorney Ramirez said back in April 2022,
18:35 12 years before the litigation started, that he wasn't in
18:35 13 town at the time of the presentation to the grand jury,
18:36 14 correct?

18:36 15 A. Yes.

18:36 16 Q. Did you ever observe Sheriff Fuentes personally
18:36 17 participating in this investigation into Ms. Herrera?

18:36 18 A. No, ma'am.

18:36 19 Q. Do you have any reason to believe that he did?

18:36 20 A. I do not have any reason to believe that.

18:36 21 Q. Did you lie to the grand jury?

18:36 22 A. I did not lie to the grand jury.

18:36 23 Q. Did you attempt to conceal Section 19.06 of the
18:36 24 homicide statute from the grand jury?

18:36 25 A. No, ma'am. I did not know about 19.06 at the

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18:36 1 time.

18:36 2 Q. Did you ever have some type of agreement with
18:37 3 District Attorney Ramirez to prosecute Ms. Herrera?

18:37 4 A. No.

18:37 5 Q. Did you have any agreements with Sheriff
18:37 6 Fuentes about prosecuting Ms. Herrera?

18:37 7 A. No.

18:37 8 Q. Did District Attorney Ramirez ever direct you
18:38 9 to provide false information to the grand jury?

18:38 10 A. No, ma'am, he never directed me to provide
18:38 11 false information to the grand jury.

18:38 12 Q. And I think it's clear, based on your
18:38 13 testimony, but revisiting the conversation that you had
18:38 14 with District Attorney Ramirez prior to the grand jury
18:38 15 presentation, in that discussion, did the two of you
18:38 16 discuss 19.06?

18:38 17 A. No.

18:38 18 Q. So it's fair to say that you didn't decide
18:38 19 together that the case would go to the grand jury even
18:38 20 though 19.06 would ultimately require dismissal?

18:38 21 A. No, ma'am. Neither of us talked about it or
18:39 22 knew about 19.06 at the time.

18:39 23 Q. Do you know whether District Attorney Ramirez
18:39 24 has ever had to prosecute a case involving an abortion
18:39 25 before Ms. Herrera's case?

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18:39 1 A. I don't believe so.

18:39 2 Q. Did -- do you know whether Ms. Herrera retained
18:39 3 a criminal defense lawyer after she was arrested?

18:39 4 A. I was not aware at the time who she had
18:39 5 retained, but I am aware now.

18:39 6 Q. And who is it that you understand represented
18:39 7 her in the criminal proceedings?

18:39 8 A. That would have been Mr. Calixtro Villarreal.

18:39 9 Q. And how many times did Calixtro Villarreal --
18:39 10 well, let me ask you this: Have you worked with him
18:39 11 before?

18:39 12 A. I have.

18:39 13 Q. Do you have any idea how long he's been
18:39 14 practicing criminal defense?

18:39 15 A. I would say over 30 years.

18:39 16 Q. So much longer than the eight or so years
18:39 17 you've been prosecuting?

18:40 18 A. Yes.

18:40 19 Q. How many times did Calixtro Villarreal call you
18:40 20 and tell you that there was an exception to the
18:40 21 homicide statute for Ms. Herrera?

18:40 22 A. Not once.

18:40 23 Q. In fact, did any person ever reach out to you
18:40 24 prior to that weekend that we talked about when it
18:40 25 became public to tell you that 19.06 existed?

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18:40 1 A. No, ma'am.

18:40 2 Q. And the plaintiff testified that she learned
18:40 3 Hilda Garza informed you and Mr. Ramirez that the case
18:40 4 could not be prosecuted. Were you aware of her -- of
18:40 5 the plaintiff's testimony on that topic?

18:40 6 A. Yes.

18:40 7 Q. Did Hilda Garza ever have a conversation with
18:40 8 you about 19.06?

18:40 9 A. No, ma'am. Hilda Garza didn't even work at our
18:40 10 office at the time.

18:40 11 Q. When did Hilda Garza leave the district
18:40 12 attorney's office?

18:41 13 MS. ALBIN: We can hear y'all.

18:41 14 A. I'm not exactly sure when she left, but it was
18:41 15 before the presentation of this case, even before this
18:41 16 case was submitted to the district attorney's office.

18:41 17 Q. And she never called you between January and
18:41 18 the presentation on March 25th to say, "Hey, you guys
18:41 19 know about this exception, right?"

18:41 20 A. No.

18:41 21 Q. Nothing like that?

18:41 22 A. No, ma'am.

18:41 23 Q. And nobody ever did that, right?

18:41 24 A. No.

18:41 25 Q. Do you know who Martie Vela is?

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10:10 1 Q. And, in fact, when did you first get the full
10:10 2 file on Ms. Herrera's case?

10:10 3 A. It would have been right before the grand jury
10:10 4 presentation sometime in March.

10:10 5 Q. And is that when you first had access to the
10:10 6 full set of evidence that existed in that case?

10:10 7 A. Yes.

10:10 8 Q. And prior to that, had you reviewed any
10:10 9 documents or photos or other evidence gathered by the
10:10 10 sheriff's office in this case?

10:10 11 A. No.

10:10 12 Q. So is it true that you took the packet of
10:11 13 information given to you by the sheriff's office and
10:11 14 presented that to the grand jury?

10:11 15 A. Yes.

10:11 16 MS. JOHNSON: Objection, leading.

10:11 17 Q. Did you include anything in your presentation
10:11 18 to the grand jury in terms of evidence that you
10:11 19 collected personally?

10:11 20 A. No, ma'am.

10:11 21 Q. Was there anything that you presented to the
10:11 22 grand jury that was collected by someone other than the
10:11 23 investigators in the sheriff's office?

10:11 24 A. No.

10:11 25 Q. And I think you answered this question before,

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10:11 1 but I just want to make sure. Have you, in your time
10:12 2 as a prosecutor, been involved in any other cases that
10:12 3 involved an investigation of a woman related to a
10:12 4 self-induced abortion?

10:12 5 A. No. This was my first time.

10:12 6 Q. Had you ever dealt with the exception to
10:12 7 prosecution of murder in the Penal Code that we've been
10:12 8 calling 19.06 prior to Ms. Herrera's indictment?

10:12 9 A. No. I had no knowledge of 19.06.

10:12 10 Q. Were there any other attorneys who assisted you
10:12 11 in presenting to the grand jury -- that helped you
10:12 12 present Ms. Herrera's case to the grand jury?

10:12 13 A. No.

10:12 14 Q. You recall that when you testified last week
10:13 15 you were presented with some text message -- text
10:13 16 messages and asked some questions about those. Do you
10:13 17 recall that?

10:13 18 A. Yes.

10:13 19 Q. Did you initially do a manual search of your
10:13 20 own phone for text messages?

10:13 21 A. I did.

10:13 22 Q. And can you describe what process you used to
10:13 23 try to locate messages initially?

10:13 24 A. In my iMessage app, I went in there to search
10:13 25 the key words that were sent over.

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229th Judicial District Attorney's Office

STARR * JIM HOGG DUVAL

EMPLOYMENT OPPORTUNITY

Position: Criminal Investigator – Full Time

County: Starr County

Job Description:

- Perform all duties as a Peace Officer according to the law.
- Receive and review cases from Assistant District Attorneys.
- Identify and locate victims and/or witnesses, and conduct follow-up interviews.
- Apply for and serve subpoenas, bench warrants and request certified records.
- Notify law enforcement personnel/witnesses of trial proceedings and dates.
- Conduct criminal investigations.
- Work with and assist other law enforcement agencies.
- Receive specialized training in digital forensics.
- Conduct digital analysis of electronic devices.

Skills Required: The person hired has to be a licensed Peace Officer and will need a working knowledge of Texas laws and their applications; the Texas Code of Criminal Procedure, and the legal system in general. He/she will need to be familiar with software applications, such as Power Point, Word and Excel. Proficiency with firearms (safe operation), and still and video cameras. The investigator will communicate effectively and professionally in all dealings with parties involved in an investigation. Additionally, investigator will be expected to undertake a specialized training in digital forensics, and conduct digital forensics as part of their employment.

Education & Experience: High School graduate or higher with appropriate licensing, with at least five (5) years of law enforcement experience.

Salary: Based on experience with a full benefits package

Interested applicants will send an application and resume to First ADA Abel Villarreal, Jr. at abel.villarreal@da.co.starr.tx.us by September 24, 2021. Job applications may be picked up at the Starr County Human Resources located at the Starr County Annex.



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PLAINTIFF 00163

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**Alexandria Lynn
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**Hilda Gonzalez
Garza**

Asst. District Attorney

Judith Solis

Asst. District Attorney

Rumaldo Solis Jr.

Asst. District Attorney

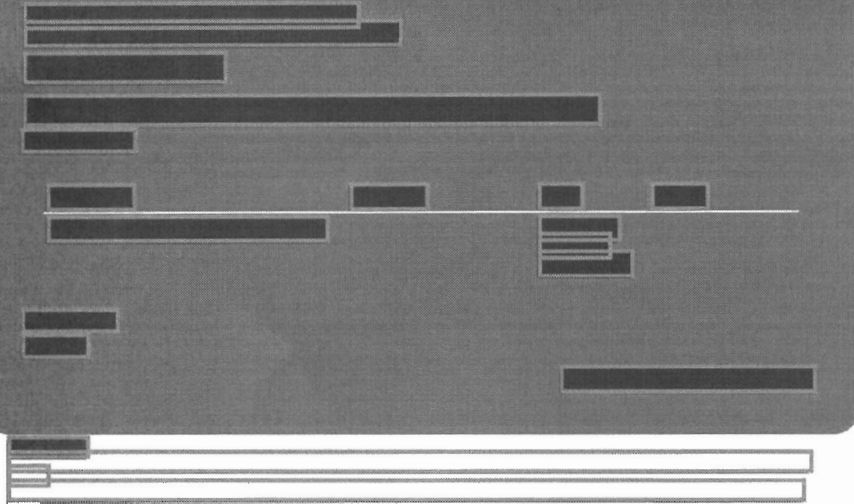
Alexandria Barrera -- List of Homicide Cases

CASE	CAUSE NO.	CHARGE
1. TSOT vs. Joel Alejandro	15-CR-101	Murder
2. TSOT vs. Lisette Fuentes	16-CRS-318	Intoxication Manslaughter
3. TSOT vs. Jesus Angel Rebollar	CR-1456-18-C	Capital Murder
4. TSOT vs. Phillip Henry Selvera, Jr.	18-CRS-254-SI	Capital Murder
5. TSOT vs. Sebastian Torres	CR-1776-19-SI	Capital Murder
6. TSOT vs. Jose Luis Garcia, Jr.	CR-1700-18-I	Capital Murder
7. TSOT vs. Maximiliano Gazca	20-CR-119	Murder
8. TSOT vs. Romeo Ibanez	21-CR-25	Murder
9. TSOT vs. Adalberto Barron	23-CR-179	Manslaughter
10. TSOT vs. Elia Marie De La Cruz	21-CR-33-SI	Murder
11. TSOT vs. Jose Maria Villarreal	24-CR-69	Intoxication Manslaughter

Alexandria Barrera – Appellate Case Work

CASE	APPELLATE NO.	CHARGE
1. Joel Alejandro vs. TSOT	04-19-00206-CR	Murder
2. Jesus Angel Rebollar vs. TSOT	13-19-00590-CR	Capital Murder
3. TSOT vs. Sebastian Torres	13-20-00101-CR	Capital Murder
4. Maximiliano Gazca vs. TSOT	04-24-00392-CR	Murder





#		Deleted	*
2	<p> Name: +19564378601 Start Time: 1/18/2022 8:59:26 AM(UTC-6) Last Activity: 9/13/2022 2:54:33 PM(UTC-5) Number of attachments: 0 Source: Native Messages Account: +19564374054 Chat Type: Unknown Source file: EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x8CB3F5F (Table: chat, message, handle, Size: 160223232 bytes) Body file: chat-5.txt </p> <p>Participants:</p> <div>  <div> +19564374054 Alexandria Barrera* (owner) </div> </div> <div>  <div> +19564378601 Sgt Rafael Aguirre </div> </div>		

From: +19564378601 Sgt Rafael Aguirre
 To: +19564374054 Alexandria Barrera (owner)

Good morning Mrs Barrera. This is Investigator Rafael Aguirre with Starr County Sheriff's Office. Would you be available today to discuss a case involving an abortion?

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		1/18/2022 8:59:30 AM(UTC-6)	

Status: Read

Platform:

Message Deleted Reason: User Deleted

Deletion Date: 2/24/2025 1:18:11 PM(UTC-6)

1/18/2022 8:59:26 AM(UTC-6)

Source Info:
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 EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4472FE4 (Table: message, handle, chat_recoverable_message_join, Size: 160223232 bytes)





From: +19564374054 Alexandria Barrera (owner)
To: +19564378601 Sgt Rafael Aguirre

Good morning. I'm actually in McAllen at the doctors right now but I'll be available later today. I'll be at the office I can send you a text.

Priority: Normal

Participant	Delivered	Read	Played
+19564378601 Sgt Rafael Aguirre			

Status: Sent

Platform:

Message Deleted Reason: User Deleted

Deletion Date: 2/24/2025 1:18:11 PM(UTC-6)

1/18/2022 8:59:56 AM(UTC-6)

Source Info:

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EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)



From: +19564378601 Sgt Rafael Aguirre
To: +19564374054 Alexandria Barrera (owner)

Thank you. I'll be here till 4pm and work everyday till Saturday.

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		1/18/2022 9:01:19 AM(UTC-6)	

Status: Read

Platform:

Message Deleted Reason: User Deleted

Deletion Date: 2/24/2025 1:18:11 PM(UTC-6)

1/18/2022 9:00:55 AM(UTC-6)

Source Info:

EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4473FC0 (Table: message, handle, chat_recoverable_message_join, Size: 160223232 bytes)



From: +19564374054 Alexandria Barrera (owner)
To: +19564378601 Sgt Rafael Aguirre

Sounds good.

Priority: Normal

Participant	Delivered	Read	Played
+19564378601 Sgt Rafael Aguirre			

Status: Sent

Platform:

Message Deleted Reason: User Deleted

Deletion Date: 2/24/2025 1:18:11 PM(UTC-6)

1/18/2022 9:01:22 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4479546 (Table: message, handle, chat_recoverable_message_join, Size: 160223232 bytes)



From: +19564374054 Alexandria Barrera (owner)
To: +19564378601 Sgt Rafael Aguirre

Good afternoon I'll be here all afternoon whenever you want to come by

Priority: Normal

Participant	Delivered	Read	Played
+19564378601 Sgt Rafael Aguirre			

Status: Sent

Platform:

Message Deleted Reason: User Deleted

Deletion Date: 2/24/2025 1:18:11 PM(UTC-6)

1/18/2022 12:27:36 PM(UTC-6)

Source Info:
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EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)



From: +19564378601 Sgt Rafael Aguirre
To: +19564374054 Alexandria Barrera (owner)

Okay awesome thanks. I'm taking lunch at 1pm and will be there at 2.

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		1/18/2022 12:28:37 PM(UTC-6)	

Status: Read

Platform:

Message Deleted Reason: User Deleted

Deletion Date: 2/24/2025 1:18:11 PM(UTC-6)

1/18/2022 12:28:36 PM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4477FC0 (Table: message, handle, chat_recoverable_message_join, Size: 160223232 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19564378601 Sgt Rafael Aguirre

Sounds good

Priority: Normal

Participant	Delivered	Read	Played
+19564378601 Sgt Rafael Aguirre			

Status: Sent
Platform:
Message Deleted Reason: User Deleted
Deletion Date: 2/24/2025 1:18:11 PM(UTC-6)

1/18/2022 12:28:52 PM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4477A0B (Table: message, handle, chat_recoverable_message_join, Size: 160223232 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19564378601 Sgt Rafael Aguirre

Rafa, let's hold off on tejé arrest warrant. Let's talk to that lady that gave her the drugs first. Interview her.

Priority: Normal

Participant	Delivered	Read	Played
+19564378601 Sgt Rafael Aguirre			

Status: Sent
Platform:
Message Deleted Reason: User Deleted
Deletion Date: 2/24/2025 1:11:55 PM(UTC-6)

1/18/2022 2:47:00 PM(UTC-6)

Source Info:
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EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x447FD8C (Table: message, handle, chat_recoverable_message_join, Size: 160223232 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19564378601 Sgt Rafael Aguirre

I don't think she's a flight risk...so let's gather everything we can before

Priority: Normal

Participant	Delivered	Read	Played
+19564378601 Sgt Rafael Aguirre			

Status: Sent
Platform:
Message Deleted Reason: User Deleted
Deletion Date: 2/24/2025 1:11:55 PM(UTC-6)

1/18/2022 2:47:15 PM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x447FACB (Table: message, handle, chat_recoverable_message_join, Size: 160223232 bytes)



From: +19564378601 Sgt Rafael Aguirre
To: +19564374054 Alexandria Barrera (owner)

Okay will do

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		1/18/2022 2:59:12 PM(UTC-6)	

Status: Read

























Platform:

Message Deleted Reason: User Deleted

Deletion Date: 2/24/2025 1:11:55 PM(UTC-6)

1/18/2022 2:48:50 PM(UTC-6)

Source Info:
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EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x447F850 (Table: message, handle, chat_recoverable_message_join, Size: 160223232 bytes)

#		Deleted	*																
3	<p>Name: chat117895517358153636 Start Time: 9/20/2021 10:20:56 AM(UTC-5) Last Activity: 1/11/2023 5:22:28 PM(UTC-6) Number of attachments: 7 Source: Native Messages Account: +19564374054 Chat Type: Unknown Source file: EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x8CA14BE (Table: chat, message, handle, Size: 160223232 bytes) Body file: chat-9.txt</p> <p>Participants:</p> <table><tr><td></td><td>+19564374054 Alexandria Barrera* (owner)</td></tr><tr><td></td><td>alexandriabarrera5@gmail.com Alexandria Barrera* (owner)</td></tr><tr><td></td><td>+19562226041 Abel Villarreal*</td></tr><tr><td></td><td>+19568449912 Judy Solis*</td></tr><tr><td></td><td>+19567772099 Alfredo Garcia*</td></tr><tr><td></td><td>+19568445148 Gocha Ramirez - Boss*</td></tr><tr><td></td><td>+13612075654 Rumi Solis*</td></tr><tr><td></td><td>19564374054 Alexandria Barrera* (owner)</td></tr></table>		+19564374054 Alexandria Barrera* (owner)		alexandriabarrera5@gmail.com Alexandria Barrera* (owner)		+19562226041 Abel Villarreal*		+19568449912 Judy Solis*		+19567772099 Alfredo Garcia*		+19568445148 Gocha Ramirez - Boss*		+13612075654 Rumi Solis*		19564374054 Alexandria Barrera* (owner)		
	+19564374054 Alexandria Barrera* (owner)																		
	alexandriabarrera5@gmail.com Alexandria Barrera* (owner)																		
	+19562226041 Abel Villarreal*																		
	+19568449912 Judy Solis*																		
	+19567772099 Alfredo Garcia*																		
	+19568445148 Gocha Ramirez - Boss*																		
	+13612075654 Rumi Solis*																		
	19564374054 Alexandria Barrera* (owner)																		

From: +19567355296 Inv. Esmer Muniz
 To: +19564374054 Alexandria Barrera (owner)

Hello, if you have a minute we have a case we'd like to discuss with you...
 A mother self induced la or on a 20 week fetus but putting some pills to abort on her vagina
 We need guidance please

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		1/11/2022 3:29:44 PM(UTC-6)	

Status: Read

Platform:

1/11/2022 2:49:56 PM(UTC-6)

Source Info:
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From: +19564374054 Alexandria Barrera (owner)
 To: +19567355296 Inv. Esmer Muniz

Give me a second

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	1/11/2022 3:29:59 PM(UTC-6)	1/11/2022 2 3:44:24 PM(UTC-6)	

Status: Sent

Platform:

1/11/2022 3:29:58 PM(UTC-6)

Source Info:
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From: +19567355296 Inv. Esmer Muniz
 To: +19564374054 Alexandria Barrera (owner)

Alex I came to take pictures of the ashes of the baby cuz it's been cremated already... do I allow the funeral home to give the mom the ashes?

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		1/11/2022 7:16:51 PM(UTC-6)	

Status: Read

Platform:

1/11/2022 7:16:47 PM(UTC-6)

Source Info:
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 EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)



From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

That's fine. We will have a death certificate I'm assuming— take pictures of the ashes

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	1/11/2022 7:17:25 PM(UTC-6)	1/11/2022 7:17:41 PM(UTC-6)	

Status: Sent

Platform:

1/11/2022 7:17:25 PM(UTC-6)

Source Info:
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EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4434622 (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Ok, thank you

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		1/11/2022 7:17:52 PM(UTC-6)	

Status: Read

Platform:

1/11/2022 7:17:49 PM(UTC-6)

Source Info:
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EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4434355 (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Good morning, doctor Lozano is suppose to be coming in around noon for an interview and he told captain he was going to bring the entire file history on patient/suspect... if he voluntarily wants to give me copies, do I get them? I don't know if you want to be here for the interview

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		1/12/2022 8:52:57 AM(UTC 6)	

Status: Read

Platform:

1/12/2022 8:47:37 AM(UTC-6)

Source Info:
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EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

I mean you can so we can a preliminary look at the docs but still need to GJ subpoena them

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	1/12/2022 8:53:36 AM(UTC-6)	1/12/2022 8:53:46 AM(UTC-6)	

Status: Sent

Platform:

1/12/2022 8:53:36 AM(UTC-6)

Source Info:
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EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x44393EC (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Ok thank you

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		1/12/2022 8:54:39 AM(UTC-6)	

Status: Read

Platform:

1/12/2022 8:54:05 AM(UTC-6)

Source Info:
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EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x443AF83 (Table: message, handle, Size: 160223232 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

I can't be there today, sorry

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	1/12/2022 8:54:46 AM(UTC-6)	1/12/2022 8:54:46 AM(UTC-6)	

Status: Sent

Platform:

1/12/2022 8:54:46 AM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x443AA9B (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
 To: +19564374054 Alexandria Barrera (owner)

It's ok thank you for always being a txt/phone call away

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		1/12/2022 8:58:31 AM(UTC-6)	

Status: Read

Platform:

1/12/2022 8:55:18 AM(UTC-6)

Source info:
 EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
 EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x443BF83 (Table: message, handle, Size: 160223232 bytes)

From: +19564374054 Alexandria Barrera (owner)
 To: +19567355296 Inv. Esmer Muniz

Not a problem ☺

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	1/12/2022 8:58:38 AM(UTC-6)	1/12/2022 9:01:30 AM(UTC-6)	2

Status: Sent

Platform:

1/12/2022 8:58:37 AM(UTC-6)

Source info:
 EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
 EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x443BD19 (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
 To: +19564374054 Alexandria Barrera (owner)

Good afternoon, when can we meet to discuss everything I have on the abortion case?

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		1/31/2022 2:48:28 PM(UTC-6)	

Status: Read

Platform:

1/31/2022 2:45:58 PM(UTC-6)

Source info:
 EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x451D79A (Table: message, handle, Size: 160223232 bytes)
 EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

GA, I'm here till about 430 or tomorrow afternoon

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	1/31/2022 2:48:44 PM(UTC-6)	1/31/2022 2:50:11 PM(UTC-6)	

Status: Sent

Platform:

1/31/2022 2:48:43 PM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x451EF85 (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Tomorrow afternoon is good for me, thanks

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera	1/31/2022 2:50:44 PM(UTC-6)		

Status: Read

Platform:

1/31/2022 2:50:40 PM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x451E8C4 (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	1/31/2022 2:50:49 PM(UTC-6)	1/31/2022 4:18:29 PM(UTC-6)	

Status: Sent

Platform:

1/31/2022 2:50:49 PM(UTC-6)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x451E22F (Table: message, handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19567355296 Inv. Esmer Muniz
 To: +19564374054 Alexandria Barrera (owner)

Good afternoon, is now a good time ? Or let me know when?

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		2/1/2022 2:00:18 PM(UTC-6)	

Status: Read

Platform:

2/1/2022 1:58:42 PM(UTC-6)

Source Info:
 EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x452A416 (Table: message, handle, Size: 160223232 bytes)
 EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19564374054 Alexandria Barrera (owner)
 To: +19567355296 Inv. Esmer Muniz

Hi. Yes you can come by. I'm about to head back from lunch. But I'm here at courthouse

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	2/1/2022 2:00:42 PM(UTC-6)	2/1/2022 2:00:45 PM(UTC-6)	

Status: Sent

Platform:

2/1/2022 2:00:41 PM(UTC-6)

Source Info:
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 EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x452BF85 (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
 To: +19564374054 Alexandria Barrera (owner)

Ok, see you in a bit

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		2/1/2022 2:04:31 PM(UTC-6)	

Status: Read

Platform:

2/1/2022 2:00:58 PM(UTC-6)

Source Info:
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From: +19567355296 Inv. Esmer Muniz
 To: +19564374054 Alexandria Barrera (owner)

I forgot to mention. I have a copy of the cremation certificate with the baby's name

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		2/1/2022 3:17:24 PM(UTC-6)	

Status: Read

Platform:

2/1/2022 3:12:40 PM(UTC-6)

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From: +19564374054 Alexandria Barrera (owner)
 To: +19567355296 Inv. Esmer Muniz

Okay. So spoke to Gocha. Just submit for Grand jury review. No arrest warrant

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	2/1/2022 3:17:48 PM(UTC-6)	2/1/2022 7:48:19 PM(UTC-6)	

Status: Sent

Platform:

2/1/2022 3:17:48 PM(UTC-6)

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 EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19567355296 Inv. Esmer Muniz
 To: +19564374054 Alexandria Barrera (owner)

Ok thank you

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		2/1/2022 7:48:53 PM(UTC-6)	

Status: Read

Platform:

2/1/2022 7:48:30 PM(UTC-6)

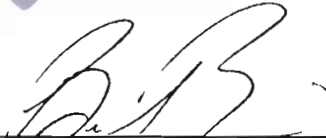
Source Info:
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 EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

INDICTMENT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS


THE GRAND JURY OF STARR COUNTY, TEXAS, duly selected, empanelled, sworn, charged, and organized at the **JANUARY 2022 TERM** of the **229th Judicial District Court** for Starr County, upon their oaths present to said Court that, **LIZELLE HERRERA**, Defendant, on or about the **7th day of January, 2022**, and before the presentment of this indictment, in Starr County, Texas did then and there intentionally and knowingly cause the death of an individual J.A.H, by a self-induced abortion,

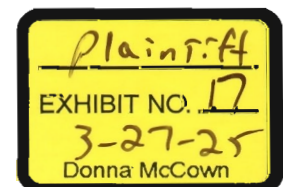
AGAINST THE PEACE AND DIGNITY OF THE STATE.


GRAND JURY FOREMAN

FILED
AT **3:44** O'CLOCK **P** M

MAR 30 2022


ORLANDO VELASQUEZ
DISTRICT CLERK STARR CO. TX
DEPUTY



L. Gonzalez 000006

CAUSE NO. 22-CR_- 61

BOND AMOUNT \$ 500,000.00 S.B.

OFFENSE:
MURDER

WITNESSES FOR THE STATE

STATE'S PROSECUTOR

GOCHA ALLEN RAMIREZ

THE STATE OF TEXAS }}

COUNTY OF STARR }}

I, Orlando Velasquez, Clerk of the District Court within and for the County and State aforesaid, do certify that the foregoing contains a true and correct copy of indictment in Cause No.

22-CR_- 61, of the State of Texas v. **LIZELLE HERRERA**, as now on file in this office. IN

TESTIMONY WHEREOF I hereto set my hand and official seal, this the 30th day of March, A.D., 2022.

ORLANDO VELASQUEZ
CLERK OF THE 381st
DISTRICT COURT

By: Zeida Leija Deputy, Starr County, Texas.



TDCAA

Interim Update: Abortion-Related Crimes after Dobbs

June 24, 2022

Elective abortions and criminal prosecution

The U.S. Supreme Court decision in [Dobbs v. Jackson Women's Health Organization](#) (June 24, 2022) has implications for Texas jurisprudence, including the triggering of a new felony offense relating to elective abortions that will take effect at a yet-to-be-determined date. This new crime was not summarized or discussed in our 2021 Legislative Update publications due to its contingent effective date, so we will discuss here:

- how we got to this point;
- the new trigger law;
- other abortion-related crimes on the books;
- abortion-related crimes you can't find in your books; and
- party liability issues.

As always, our legislative update information is not intended to instruct prosecutors on what they should or should not do, but merely provide legal research and information needed by our members to make informed decisions on how best to see that justice is done in their communities.

How we got here

For more than 100 years, Texas criminalized various acts relating to the performance of an elective abortion until the U.S. Supreme Court (SCOTUS) handed down its opinion in [Roe v. Wade](#), 410 U.S. 113 (1973), which held five Texas crimes related to abortion facially unconstitutional under the 14th Amendment's Due Process Clause. After *Roe*, those crimes could not be enforced in Texas even though they were never legislatively repealed. See, [Tex. Op. Att'y Gen. No. JH-369](#) (1974) (noting that only Penal Code Art. 1195 [criminalizing abortion during natural birth] was still enforceable after *Roe*). In the ensuing decades after *Roe*, the legislature enacted new laws restricting or regulating abortion in ways that comported with *Roe* and its progeny, and that practice continued to the present day—but often in ways that did not rely on criminal prosecution for enforcement.

Today, SCOTUS handed down its opinion in [Dobbs v. Jackson Women's Health Organization](#) (June 24, 2022) explicitly overruling *Roe* and clearing the way for states to once again regulate abortion without constitutional limits. In anticipation of just such a change, the Texas Legislature passed a "trigger law" in 2021 to prohibit elective abortions after fertilization once *Roe* was struck down, and this new law includes felony punishments. But as with many things that come out of the legislature, the application and enforcement of that prohibition and related laws may be more complicated in practice than they have been portrayed in media or politics.

The "Texas Trigger Law"

In 2021, the 87th Legislature passed [House Bill 1280](#) to create [Health & Safety Code Chapter 170A](#) (Performance of Abortion), a new regulation of abortion that takes effect 30 days after *Roe* is overturned by SCOTUS. The chapter includes criminal, civil, and regulatory enforcement mechanisms for the same

BILL TRACKS

[Penal Code](#)

[Code of Criminal Procedure](#)

[Bills to Watch](#)

Click on the links above to find bills filed during the 88th Regular Session that amend the Penal Code, the Code of Criminal Procedure, and other bills of interest to TDCAA members.

Posts from
@TDCAA



**Nothing
to see
here -
yet**

When they post,
their posts will
show up here.



prohibited conduct; we will discuss the first two of those sanctions in greater detail because they may conflict in practice.

New criminal offense under HB 1280

The gist of new Chapter 170A is [§170A.002](#) (Prohibited Abortion; Exceptions), which prohibits knowingly performing, inducing, or attempting an abortion at any time after fertilization. A violation of that section is a second-degree felony under [§170A.004](#) (Criminal Offense) unless the unborn child dies, in which case it is a first-degree felony.

Other things to know about this new crime:

- “Abortion” includes surgical and non-surgical means, such as drugs/medicine (which now account for more than half of all elective abortions). The term would appear to include “selective reductions” performed as a part of some IVF treatments, but it does not include contraception, ectopic pregnancy removals, and other surgical acts listed in the definition of that term ([§170A.001\(1\)](#)).
- Nothing in Chapter 170A can be used to impose criminal, civil, or administrative liability upon a pregnant woman upon whom an abortion is performed ([§170A.003](#)).
- Doctors have defenses for performing an abortion to save the expectant mother from death or severe injury and for any medical treatment that results in an accidental fetal death ([§170A.004](#)).

This new criminal offense will apply to conduct occurring on or after the 30th day after *Dobbs* finally overrules *Roe*. Note that this is “not” 30 days from today; the Court’s opinion was released today, but not its final judgment or mandate. The Attorney General’s Office [issued a legal advisory today](#) noting this remaining contingency, along with a (speculative) comment that some abortion-related crimes may be prosecutable immediately. (More on that below.) Regardless of an such opinion, though, any criminal, civil, or administrative action brought under the new law is likely to involve litigation over the effective date of [§170A.002](#) due to its unusual (unprecedented?) trigger mechanism.

[Update: *The U.S. Supreme Court mandate in Dobbs issued on Tuesday, July 26, so the new felony offense in [§170A.002](#) should apply on or after Thursday, August 25, 2022.*]

New civil fines (and complications)

Chapter 170A also includes new [§170A.005](#) (Civil Penalty) creating a civil penalty of not less than \$100,000 for each violation of [§170A.002](#). If this sends up a double jeopardy red flag for you, congratulations—you are probably recalling the admonition from *Dep’t of Revenue of Montana v. Ranch*, 511 U.S. 767 (1994), in which SCOTUS held that a defendant already convicted and punished for a criminal offense cannot have a non-remedial civil penalty imposed against him for the same offense in a separate proceeding due to the Fifth Amendment’s Double Jeopardy Clause. And the reverse is also true: If a defendant fully pays a civil fine, then any subsequent criminal prosecution is barred by double jeopardy. See, *Ex parte Ward*, 964 S.W.2d 617, 627 (Tex. Crim. App. 1998).

While the Double Jeopardy Clause does not prohibit the initial *filing* of concurrent criminal and civil actions, a conviction in the former or a full payment in the latter will foreclose the other option. Interestingly, the civil enforcement provision of [§170A.005](#) *requires* the attorney general (OAG) to file a civil action to recover this civil fine. By requiring OAG to pursue a minimum six-figure civil penalty for the same conduct that potentially incurs a felony sentence of imprisonment and a criminal fine, the legislature has created a legal framework that could prevent a *criminal conviction* for certain violations of the new anti-abortion “trigger law” crime if any of those civil fines are collected by OAG.

Other abortion-related crimes

Despite *Roe* striking down Texas’s abortion laws in the 1970s, the legislature has enacted numerous restrictions on the practice since then. Those laws include administrative regulations of facilities and physicians, civil sanctions, and criminal offenses (outside the Penal Code) that target those who perform or facilitate an elective abortion. Here is a summary of some of those crimes, keeping in mind that this list is not exhaustive and that many of these crimes have exceptions, defenses, exclusions, or other elements not mentioned here.

Family Code Section:

<u>171.002</u>	Performing abortion on minor w/o parental notification (\$2,500-10,000 civil fine)
<u>151.002</u>	Failing to provide treatment to a child born alive after an abortion (3F + civil fine)

Health & Safety Code Section:

<u>171.018</u>	Performing abortion w/o voluntary & informed consent (\$0-10,000 criminal fine)
<u>171.065</u>	Provision of abortion-inducing drugs by non-physician (SJF)
<u>171.103</u>	Performing partial-birth abortion (SJF)
<u>171.153</u>	Performing dismemberment abortion without cause (SJF)
<u>245.011</u>	Paperwork violations by abortion facilities or physicians (Class A)
<u>245.014</u>	Operating abortion facility without a license (Class A)

How these existing laws interact with new Chapter 170A is anyone's guess because the new "trigger law" did not amend or repeal these existing crimes. As a result, any irreconcilable conflicts will have to be decided through an *in pari materia* analysis in the courts, which could conclude that some of these pre-existing but more specific laws apply in certain circumstances even though they carry much lower penalty ranges. (For example, a two-year maximum state jail sentence for partial-birth abortion under §171.103 rather than a potential sentence of life in prison for general abortion under new §170A.002).

Penal Code implications

As everyone was reminded last month, there are no Penal Code charges that can be brought against a woman whose conduct results in the death of her unborn child, including by submitting to or performing her own abortion. See, Penal Code §19.06 (homicides), §22.12 (assaults), and §49.12 (intoxication manslaughter/assault). This is consistent with the non-Penal Code crimes mentioned in the previous section, all of which criminalize the conduct only of those *other than* the woman on whom the elective abortion is performed. It is also consistent with pre-*Roe* abortion crimes; our research yielded no reported cases of a woman being prosecuted in Texas for abortion under pre-*Roe* criminal statutes.

Note, however, that in addition to exempting conduct committed by the mother of the unborn child, PC §§19.06 and 22.12 exempt from homicide and assault prosecutions any conduct by a physician that constitutes a "lawful medical procedure" intended to result in abortion, and they also exempt the dispensation or administration of any drug "in accordance with law." It is unclear at this time how those defenses will be narrowed in regard to conduct that was previously included within those terms but may no longer qualify after *Dobbs*. For example, H&SC §170A.002 will soon prohibit elective abortions upon fertilization, and H&SC §171.063 (Provision of Abortion-Inducing Drug, eff. Dec. 2, 2021) already limits the circumstances under which abortifacient drugs can be delivered or administered. The question of whether criminal conduct under those new statutes can also be prosecuted under PC Chapters 19 (Criminal Homicide) or 22 (Assaultive Offenses) may have been re-opened by this latest legislation, but it will be up to the courts to decide that after an *in pari materia* analysis.

What's old is new again?

Another area of confusion involves Texas's prior abortion-related crimes struck down by *Roe*. As mentioned above, those statutes were never repealed by the legislature, and they had different elements, different defenses, and different (and lower) punishments from the new offense under §170A.002. So, what happens to them now?

1925 Penal Code

The original pleadings in *Roe* targeted former Articles 1191-1196 of the 1925 Texas Penal Code. The Court eventually found all of them to be unconstitutional except for Art. 1195 (causing a child's death during "parturition," or natural childbirth). But while the *Roe* litigation was making its way through the courts, those same statutes were moved as part of the legislature's first Model Penal Code project, which began in the 1960s before *Roe* was initiated and concluded after *Roe* was decided. The result of that project was the codification of a new 1973 Penal Code (effective January 1, 1974) which moved various "leftover" crimes that did not fit neatly into that model code over to the state's Civil Statutes. Consequently, the former crimes in

Arts. 1191–1196 were moved to Tex. Rev. Civ. Stat. Arts. 4512.1–6. However, a search for those statutes on [the state's own website](#) or in your dusty old volumes of Vernon's may only yield [Art. 4512.5](#) (Destroying Unborn Child), the former Art. 1195 that was left standing after the *Roe* opinion. The other offenses struck down by *Roe* no longer appear in most legal resources—but they were never explicitly repealed by the legislature. So, what happens to them now that the court decision that led publishers to remove them is no longer valid?

[* – After this update was published, the statutes previously repealed by *Roe* were restored to the state's website; for the full text of those criminal statutes, [click here](#). (added 06/24/22 at 1:40pm)]

Restoring unconstitutional laws

The legislature recognized this unanswered question in its deliberations over HB 1280, the trigger law that created Chapter 170A. To quote from the [House Research Organization's bill analysis of HB 1280](#), supporters of the bill stated:

"The bill would clear up confusion about whether the state's pre-*Roe* statutes are still valid. Although the Legislature never explicitly repealed those laws, a non-binding 5th Circuit Court of Appeals opinion suggests that the Legislature's enactment of laws such as those governing abortion on minors and regulating abortion facilities effectively repealed the pre-*Roe* laws."

Apparently, that Fifth Circuit case is [McCorvey v. Hill](#), 385 F.3d 846 (5th Cir. 2004, cert. denied)—a suit brought by the original plaintiff in *Roe* to have the opinion withdrawn after her change of heart on the abortion issue. In its opinion, the court held that *McCorvey*'s lawsuit was moot because Texas had impliedly repealed those old statutes criminalizing abortion by its enactment of various regulations governing the availability of abortions and the practices and procedures of abortion clinics that irreconcilably conflict with the old provisions criminalizing abortions. The resulting conflict, the court held, could be resolved only by holding that the prior crimes were implicitly repealed by the post-*Roe* legislation. However, this legal concept of "implied repeal" is a controversial one that is rarely favored by the courts, and it is a topic on which the Texas Court of Criminal Appeals and the Texas Supreme Court have sometimes taken different approaches, so it is impossible to predict how the matter would be resolved by the courts in this new criminal context.

Note, however, that this unresolved issue comes to a head immediately upon *Roe* being overturned by *Dobbs*. Unlike the new felony crime in §170A.002, there is no grace period before the potential restoration of the 1925-era crimes (the text of which you can read in [Tex. Op. Atty Gen. No. JH-369](#) [1974]).

HB 1280 and SB 8 further muddy the waters

Despite the optimism of HB 1280 supporters noted above that "[t]he bill would clear up confusion about whether the state's pre-*Roe* statutes are still valid," it arguably makes the confusion worse, not better.

The simplest way to facilitate criminal prosecutions for elective abortions would have been to explicitly repeal the old laws and pass new laws in their place. For example, an earlier "trigger law" filed back in 2007 as [SB 186](#) (80RS) by then-State Sen. (now Lt. Gov.) Dan Patrick purported to move the old Art. 4512 crimes into the Penal Code, repeal the various "competing" regulations mentioned in *McCorvey*, and then repeal or revise the old crimes' 1925-era language to create new—and more readily enforceable—crimes. But rather than follow that example, the 87th Legislature did the opposite in 2021. Instead of an explicit repeal-and-replace, both [HB 1280](#) (trigger law) and [SB 8](#) (the fetal heartbeat bill) included legislative "findings"—a type of legislative dicta—that the former abortion crimes were never repealed. And SB 8 took things a step farther, adding this new provision to the state's Code Construction Act:

[Government Code §311.036](#). CONSTRUCTION OF ABORTION STATUTES. (a) A statute that regulates or prohibits abortion may not be construed to repeal any other statute that regulates or prohibits abortion, either wholly or partly, unless the repealing statute explicitly states that it is repealing the other statute.

Because HB 1280 did not explicitly repeal the old statutes struck down by *Roe*, it appears to have created a situation in which those old crimes will co-exist with the bill's new felony abortion crime under §170A.002, even though that new crime irreconcilably conflicts with those old crimes in many situations. As a result, some defendants in those cases may be able to successfully challenge a prosecution under §170A.002 on the basis that its new provisions cannot be reconciled with those older—but more specifically-tailored—pre-*Roe* crimes

which also carry much lower punishments (for example, a maximum of five years' imprisonment for abortion under former Art. 1191 [or 4512.1], versus a potential life sentence under §170A.002). Therefore, if the former pre-*Roe* crimes are determined to still be valid, the courts will again be required to conduct an *in pari materia* analysis to determine whether the overlapping old and new crimes can be harmonized, and if not, then which more specific charge(s) the State is limited to pursuing.

The law of parties

The final post-*Dobbs* issue we will address here is party liability.

Currently, [Penal Code §7.02\(a\)\(2\)](#) makes a person criminally responsible for an offense committed by another if, with the intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense. The scope of this law can be broad; however, this party liability applies only to "an offense committed by the conduct of another." Stated another way: "If no principal liability, then no party liability." That limitation may be relevant any time the law of parties is considered an option for abortion-related offenses that, by their explicit terms, do not criminalize the conduct of a pregnant woman seeking or receiving an abortion—even one she conducts herself through medication or other means.

This limitation may be one reason some HB 1280 proponents sought to maintain the efficacy of the pre-*Roe* crimes (as discussed above), one of which provided that "whoever furnishes the means for procuring an abortion knowing the purpose intended is guilty as an accomplice" (See Art. 1192 [or 4512.2]). That crime appears to have been specifically intended to address the problem with the standard rule for applying the law of parties; namely, that pre-*Roe* laws did not allow prosecution of the pregnant woman for the crime of abortion and thus, without her as a principal, there could be no accomplice liability for anyone who prescribed or furnished her with medication or other means for aborting her child. See, *Moore v. State*, 40 S.W. 287 (1897) (interpreting Art. 642 of the 1895 Penal Code, a precursor to Arts. 1192 and 4512.2). However, Texas already has other criminal laws that apply to third parties—for example, a ban on the provision of abortifacients to a pregnant woman by anyone other than a doctor (see H&SC §171.065, et al.)—so a restoration of any pre-*Roe* "accomplice" liability law may conflict with post-*Roe*, pre-*Dobbs* statutes already criminalizing such acts and therefore have to be hashed out through yet more *in pari materia* analysis by the courts.

Such an analysis may be yet further complicated by the legislature's passage in 2021 of [SB 8](#) (fetal heartbeat bill), which created a new form of civil liability in H&SC [§171.208](#) (Civil Liability for Violation or Aiding or Abetting Violation) that applies to the performance of an elective abortion or the aiding or abetting of such an abortion in violation of the provision of that bill, but which *expressly prohibits* the criminal prosecution of those acts under that new law or Penal Code Chapters 19 and 22; see [§171.207](#) (Limitations on Public Enforcement). While the constitutionality of SB 8 is still being litigated in the federal courts, its enactment may be relevant to any state courts seeking to determine what criminal offenses may or may not be prosecuted under a party liability theory.

Consequently—as with many of the other issues we've spotted in this memo—prosecutors should thoroughly research these issues before casting the net of party liability in a manner that exceeds its permissible scope in the criminal context.

Conclusion

As if often the case at the Legislature when criminal laws are drafted by authors without expertise in criminal law and then vetted by committees without expertise in criminal law, there remain many unanswered questions about the enforcement of HB 1280 and other laws that will have to be hashed out by the courts. We hope our initial research provides TDCAA members with the information needed to make informed decisions in any cases brought to them for enforcement. If you have further questions, please don't hesitate to contact us.

###



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Texas District & County Attorneys Association

[505 W. 12th St., Ste 100](#) [512/474-2326](#) [Contact](#) [Legal](#)
[Austin, TX 78701](#)

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From: +19564374054 Alexandria Barrera (owner)
To: +19562988585 Bernice Garza

This Herrera case is out of control. The Washington Post, NBC, Buzzfeed

Priority: Normal

Participant	Delivered	Read	Played
+19562988585 Bernice Garza	4/9/2022 2:15:33 PM(UTC-5)		

Status: Sent

Platform:

Message Deleted Reason: User Deleted

Deletion Date: 2/24/2025 12:57:00 PM(UTC-6)

4/9/2022 2:15:32 PM(UTC-5)

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EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)



From: +19564374054 Alexandria Barrera (owner)
To: +19562988585 Bernice Garza

Most of these People think we indicted her because she didn't know she was pregnant and freaked and had the abortion early on. They think we went under SB 8

Priority: Normal

Participant	Delivered	Read	Played
+19562988585 Bernice Garza	4/9/2022 2:16:29 PM(UTC-5)	4/9/2022 3:07:39 PM(UTC-5)	

Status: Sent

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4/9/2022 2:16:27 PM(UTC-5)

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From: +19562988535 Bernice Garza
To: +19564374054 Alexandria Barrera (owner)

Yeah...i knew it would

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		4/9/2022 3:08:16 PM(UTC -5)	

Status: Read

Platform:

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Deletion Date: 2/24/2025 12:57:00 PM(UTC-6)

4/9/2022 3:07:56 PM(UTC-5)

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message, handle, chat_recoverable_message_join, Size: 160223232 bytes)



From: +19562988535 Bernice Garza
To: +19564374054 Alexandria Barrera (owner)

Thats why i reached out yesterday

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		4/9/2022 3:08:24 PM(UTC -5)	

Status: Read

Platform:

Message Deleted Reason: User Deleted

Deletion Date: 2/24/2025 12:57:00 PM(UTC-6)

4/9/2022 3:08:23 PM(UTC-5)

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message, Size: 2797512 bytes)



From: +19562988585 Bernice Garza
To: +19564374054 Alexandria Barrera (owner)

But...once they hear the facts they will all freak

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		4/9/2022 3:09:24 PM(UTC-5)	

Status: Read

Platform:

Message Deleted Reason: User Deleted

Deletion Date: 2/24/2025 12:57:00 PM(UTC-6)

4/9/2022 3:09:21 PM(UTC-5)

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EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)



From: +19564374054 Alexandria Barrera (owner)
To: +19562988585 Bernice Garza

Yeah. Well let's hope

Priority: Normal

Participant	Delivered	Read	Played
+19562988585 Bernice Garza	4/9/2022 3:09:42 PM(UTC-5)	4/9/2022 3:09:42 PM(UTC-5)	

Status: Sent

Platform:

Message Deleted Reason: User Deleted

Deletion Date: 2/24/2025 12:57:00 PM(UTC-6)

4/9/2022 3:09:40 PM(UTC-5)

Source Info:
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EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)



From: +19562988585 Bernice Garza
To: +19564374054 Alexandria Barrera (owner)

What I told Gocha was some of the facts need to be released.

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		4/9/2022 3:11:50 PM(UTC-5)	

Status: Read

Platform:

Message Deleted Reason: User Deleted

Deletion Date: 2/24/2025 12:57:00 PM(UTC-6)

4/9/2022 3:10:12 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x485C937 (Table: message, handle, chat_recoverable_message_join, Size: 160223232 bytes)



From: +19564374054 Alexandria Barrera (owner)
To: +19562988585 Bernice Garza

Yes they do. And the fact the we didn't go under "abortion laws"

Priority: Normal

Participant	Delivered	Read	Played
+19562988585 Bernice Garza	4/9/2022 3:12:19 PM(UTC-5)	4/9/2022 3:12:53 PM(UTC-5)	

Status: Sent

Platform:

Message Deleted Reason: User Deleted

Deletion Date: 2/24/2025 12:57:00 PM(UTC-6)

4/9/2022 3:12:17 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x485DD25 (Table: message, handle, chat_recoverable_message_join, Size: 160223232 bytes)



From: +19562988585 Bernice Garza
To: +19564374054 Alexandria Barrera (owner)

Yes

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		4/9/2022 3:43:16 PM(UTC -5)	

Status: Read

Platform:

Message Deleted Reason: User Deleted

Deletion Date: 2/24/2025 12:57:00 PM(UTC-6)

4/9/2022 3:41:59 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x485EB0B (Table:
message_handle, chat_recoverable_message_join, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table:
message, Size: 2797512 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19562988585 Bernice Garza

R u at this mtg

Priority: Normal

Participant	Delivered	Read	Played
+19562988585 Bernice Garza	4/9/2022 5:45:31 PM(UTC-5)	4/9/2022 5:45:55 PM(UTC -5)	

Status: Sent

Platform:

4/9/2022 5:45:30 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x485F1D3 (Table:
message_handle, Size: 160223232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table:
message, Size: 2797512 bytes)

From: +19562988585 Bernice Garza
To: +19564374054 Alexandria Barrera (owner)

No

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		4/9/2022 5:46:00 PM(UTC -5)	

Status: Read

Platform:

4/9/2022 5:45:57 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table:
message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4860F83 (Table:
message_handle, Size: 160223232 bytes)

From: +19564374054 Alexandria Barrera (owner)
 To: +19562988585 Bernice Garza

I woke up feeling horrible. I think I even had a panic attack yesterday.

Priority: Normal

Participant	Delivered	Read	Played
+19562988585 Bernice Garza	4/10/2022 11:06:15 AM(UTC-5)	4/10/2022 11:06:23 AM(UTC-5)	

Status: Sent

Platform:

4/10/2022 11:06:14 AM(UTC-5)

Source Info:

EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4862F85 (Table: message, handle, Size: 160223232 bytes)

EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19562988585 Bernice Garza
 To: +19564374054 Alexandria Barrera (owner)

Attachments:

Title: SKM_C250i22041310460.pdf
 Size: 44439
 File name: ~/Library/SMS/Attachments/15/05/7127F2CA-557D-4F06-9808-3431381302AE/SKM_C250i22041310460.pdf
 Path: https://p45-content.icloud.com/M13BACA24BD4726456BA16C023975B4BD7B87AD35F13AE21762804EB43EFBC85D.C01USN00
 ~/Library/SMS/Attachments/15/05/7127F2CA-557D-4F06-9808-3431381302AE/SKM_C250i22041310460.pdf

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		4/13/2022 10:24:28 PM(UTC-5)	

Status: Read

Platform:

4/13/2022 10:24:05 PM(UTC-5)

Source Info:

EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/Attachments/15/05/7127F2CA-557D-4F06-9808-3431381302AE/SKM_C250i22041310460.pdf :

EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x489EB01 (Table: message, handle, attachment, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

The baby did not have a heart beat when she got to the hospital

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		4/9/2022 11:40:40 AM(UTC-5)	

Status: Read

Platform:

4/9/2022 11:40:40 AM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x485639A (Table: message, handle, Size: 1602232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)



From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

I just wanted to make sure that I remembered the facts correctly lol.

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	4/9/2022 11:41:01 AM(UTC-5)	4/9/2022 11:41:01 AM(UTC-5)	

Status: Sent

Platform:

Message Deleted Reason: User Deleted

Deletion Date: 2/24/2025 1:00:30 PM(UTC-5)

4/9/2022 11:41:01 AM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4857F85 (Table: message, handle, chat_recoverable_message_join, Size: 1602232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)



From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Lol

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		4/9/2022 11:41:15 AM(UTC-5)	

Status: Read

Platform:

Message Deleted Reason: User Deleted

Deletion Date: 2/24/2025 1:00:30 PM(UTC-6)

4/9/2022 11:41:09 AM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4857CD5 (Table: message, handle, chat_recoverable_message_join, Size: 1602232 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)





From: +19567355296 Inv. Esmer Muniz
To: +19564374054 Alexandria Barrera (owner)

Yes we are right on the facts

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		4/9/2022 11:41:24 AM(UTC -5)	

Status: Read

Platform:

Message Deleted Reason: User Deleted

Deletion Date: 2/24/2025 1:00:30 PM(UTC-6)

4/9/2022 11:41:23 AM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4857ADB (Table: message, handle, chat_recoverable_message_join, Size: 160223232 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

Esmer did doctors or nurses ever say why they took a while to report? Sorry for the questions we are gonna start working on a press release on Monday.

My email is blowing up. Washington Post, NBC, Buzzfeed... and then the rest are threats and nasty.

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	4/9/2022 2:22:39 PM(UTC-5)	4/9/2022 2:26:30 PM(UTC-5)	

Status: Sent

Platform:

4/9/2022 2:19:57 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x4859F85 (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
 To: +19564374054 Alexandria Barrera (owner)

Yes my email is blowing up too

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		4/9/2022 2:31:57 PM(UTC -5)	

Status: Read

Platform:

4/9/2022 2:27:28 PM(UTC-5)

Source Info:
 EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
 EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x48597F7 (Table: message, handle, Size: 160223232 bytes)

From: +19567355296 Inv. Esmer Muniz
 To: +19564374054 Alexandria Barrera (owner)

We got the call from Rio pd that day cuz it was our jurisdiction but no why they took so long
 yo report

Priority: Normal

Participant	Delivered	Read	Played
+19564374054 Alexandria Barrera		4/9/2022 2:31:57 PM(UTC-5)	

Status: Read

Platform:

4/9/2022 2:31:32 PM(UTC-5)

Source Info:
 EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x48595D6 (Table: message, handle, Size: 160223232 bytes)
 EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

Attachments:

Title: https://statutes.capitol.texas.gov/Docs/PE/pdf/PE_19.pdf.png
Size: 44967
File name: ~/Library/SMS/Attachments/10/00/6FDC722D-B039-4C27-B240-04D0D6C885EA/https://statutes.capitol.texas.gov/Docs/PE/pdf/PE_19.pdf.png
Path: https://p04-content.icloud.com/M6B9DD847723F19106878C13FB942DB68F2719D7237EF55C903A809FBBB7CF3C3C01USN00
~/Library/SMS/Attachments/10/00/6FDC722D-B039-4C27-B240-04D0D6C885EA/https://statutes.capitol.texas.gov/Docs/PE/pdf/PE_19.pdf.png

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	4/9/2022 5:38:29 PM(UTC-5)		

Status: Sent

Platform:

4/9/2022 5:38:20 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/Attachments/10/00/6FDC722D-B039-4C27-B240-04D0D6C885EA/https://statutes.capitol.texas.gov/Docs/PE/pdf/PE_19.pdf.png : EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x485E91C (Table: message, attachment, handle, Size: 160223232 bytes)

From: +19564374054 Alexandria Barrera (owner)
To: +19567355296 Inv. Esmer Muniz

The baby wasn't born alive right? At all? I feel so bad about this oversight.

Priority: Normal

Participant	Delivered	Read	Played
+19567355296 Inv. Esmer Muniz	4/9/2022 5:38:48 PM(UTC-5)		

Status: Sent

Platform:

4/9/2022 5:38:47 PM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db-wal : 0x2A3E43 (Table: message, Size: 2797512 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Library/SMS/sms.db : 0x485E6BC (Table: message, handle, Size: 160223232 bytes)

Filed: 4/11/2022 9:31 AM
Orlando Velasquez, District Clerk
Starr County, Texas

Zeida Leija

NO. 22-CR-61

THE STATE OF TEXAS

V.

LIZELLE HERRERA
D.O.B. 12/07/1995

§ IN THE 381ST DISTRICT COURT
§
§ OF
§
§ STARR COUNTY, TEXAS

MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the State of Texas by and through her Attorney, and respectfully requests the Court to dismiss the above entitled and numbered criminal action in which the defendant is charged with the offense of **MURDER** for the reason:

- ☒ The evidence is insufficient;
☐ The defendant was convicted in another case;
☐ The complaining witness has requested dismissal;
☐ The case has been refiled;
☐ The defendant is unapprehended;
☐ The defendant is deceased;
☐ The defendant has been granted immunity.
☒ Other: In the interest of Justice.

WHEREFORE, it is prayed that the above entitled and number cause be dismissed.

Respectfully submitted


GOCHA ALLEN RAMIREZ
DISTRICT ATTORNEY



L. Gonzalez 000008

NO. 22-CR-61

THE STATE OF TEXAS

V.

LIZELLE HERRERA
D.O.B. 12/07/1995

§ IN THE 381ST DISTRICT COURT
§
§ OF
§
§ STARR COUNTY, TEXAS

ORDER

The foregoing motion having been presented to me on this the 11th day of April, 2022 and the same having been considered, it is, therefore, **ORDERED, ADJUDGED and DECREED** that said above entitled and numbered cause be and the same is hereby dismissed.


Judge Presiding

AT 10:45 FILED
O'CLOCK A M

APR 11 2022

ORLANDO VELASQUEZ
DISTRICT CLERK STARR CO. TX
BY: Zida Diaz DEPUTY

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Yarithza Saenz on behalf of Gocha Ramirez
 Bar No. 16501800
 yarithza.saenz@da.co.starr.tx.us
 Envelope ID: 63434992
 Status as of 4/11/2022 9:44 AM CST

Associated Case Party: Starr County District Attorney's Office

Name	BarNumber	Email	TimestampSubmitted	Status
Alexandria Barrera		alexandria.barrera@da.co.starr.tx.us	4/11/2022 9:31:01 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Cynthia Fuentes		cfuentes@co.starr.tx.us	4/11/2022 9:31:01 AM	SENT

Associated Case Party: Lizelle Herrera

Name	BarNumber	Email	TimestampSubmitted	Status
Calixtro Villarreal		cal_orlaw@hotmail.com	4/11/2022 9:31:01 AM	SENT

Reply

From: 19565335266@s.whatsapp.net Alfredo Garcia

From: 13618282767@s.whatsapp.net Aileen Campos

Attachments:



Title: Shirts will look like this. Letters in gold, if you'd like one send me your size. Thank you
 Size: 48182
 File name: 950baef6-ff2d-4ede-bbd8-6a24e1516e81.jpg
 Path: https://mmg.whatsapp.net/d/f/Aq3znwISghH6VA/E40RsONUjvshsSDI0-Klgpt2Ivqp.enc
 950baef6-ff2d-4ede-bbd8-6a24e1516e81.jpg

Priority: Normal

Status: Read

Platform: Mobile

4/8/2022 10:24:31 AM(UTC-5)

XXL

Priority: Normal

Status: Read

Platform: Mobile

Label: Reply

4/8/2022 4:32:34 PM(UTC-5)

Source Info:
 EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ChatStorage.sqlite : 0x2878FAE (Table: ZWAMESSAGE, Size: 165916672 bytes)
 EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ContactsV2.sqlite : 0x521C6 (Table: ZWAADDRESSBOOKCONTACT, Size: 1036288 bytes)

From: 19568445146@s.whatsapp.net Gocha Ramirez - Boss

Good morning. Let's have a quick staff meeting at 9:30 this morning. See you all in a while

Priority: Normal

Status: Read

Platform: Mobile

4/11/2022 7:55:24 AM(UTC-5)

Source Info:
 EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ContactsV2.sqlite : 0xCEEA6 (Table: ZWAADDRESSBOOKCONTACT, Size: 1036288 bytes)
 EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ChatStorage.sqlite : 0x28820DF (Table: ZWAMESSAGE, Size: 165916672 bytes)

From: 19568445102@s.whatsapp.net Yari

Good morning

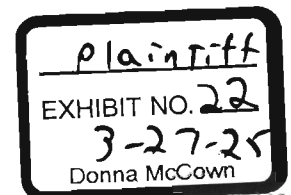
Priority: Normal

Status: Read

Platform: Mobile

4/11/2022 7:55:55 AM(UTC-5)

Source Info:
 EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ChatStorage.sqlite : 0x2883F1F (Table: ZWAMESSAGE, Size: 165916672 bytes)
 EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ContactsV2.sqlite : 0x13C79 (Table: ZWAADDRESSBOOKCONTACT, Size: 1036288 bytes)



From: 19564371218@s.whatsapp.net Trini Investigator

GM & 10-4

Priority: Normal

Status: Read

Platform: Mobile

4/11/2022 7:56:11 AM(UTC-5)

Source Info:

EXTRACTION FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ChatStorage.sqlite : 0x2883E88 (Table: ZWAMESSAGE, Size: 165916672 bytes)
EXTRACTION FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ContactsV2.sqlite : 0x27F9B (Table: ZWAADDRESSBOOKCONTACT, Size: 1036288 bytes)

Reply

From: 19565335286@s.whatsapp.net Alfredo Garcia

From: 19568445148@s.whatsapp.net Gocha Ramirez - Boss

Good morning. Let's have a quick staff meeting at 9:30 this morning. See you all in a while

Priority: Normal

Status: Read

Platform: Mobile

4/11/2022 7:55:24 AM(UTC-5)

Priority: Normal

Status: Read

Platform: Mobile

Label: Reply

4/11/2022 7:56:30 AM(UTC-5)

Source Info:

EXTRACTION FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ChatStorage.sqlite : 0x2883FAD (Table: ZWAMESSAGE, Size: 165916672 bytes)
EXTRACTION FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ContactsV2.sqlite : 0x521C6 (Table: ZWAADDRESSBOOKCONTACT, Size: 1036288 bytes)

From: 19568449912@s.whatsapp.net Judy Solis

Priority: Normal

Status: Read

Platform: Mobile

4/11/2022 8:04:11 AM(UTC-5)

Source Info:

EXTRACTION FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ContactsV2.sqlite : 0x13435 (Table: ZWAADDRESSBOOKCONTACT, Size: 1036288 bytes)
EXTRACTION FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ChatStorage.sqlite : 0x288224A (Table: ZWAMESSAGE, Size: 165916672 bytes)

From: 19562082024@s.whatsapp.net Isabel Cantu - DA's Office

Priority: Normal

Status: Read

Platform: Mobile

4/11/2022 8:12:12 AM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ContactsV2.sqlite : 0x2155E (Table: ZWAADDRESSBOOKCONTACT, Size: 1036288 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ChatStorage.sqlite : 0x28822CD (Table: ZWAMESSAGE, Size: 165916672 bytes)

From: 19562576275@s.whatsapp.net Inv. Alejandro Grimaldo HIDTA

Good morning 10-4

Priority: Normal

Status: Read

Platform: Mobile

4/11/2022 8:23:34 AM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ChatStorage.sqlite : 0x28821BB (Table: ZWAMESSAGE, Size: 165916672 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ContactsV2.sqlite : 0x61C71 (Table: ZWAADDRESSBOOKCONTACT, Size: 1036288 bytes)

From: 19563528853@s.whatsapp.net Inv. JD Saenz

10-4 Sir

Priority: Normal

Status: Read

Platform: Mobile

4/11/2022 8:37:31 AM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ChatStorage.sqlite : 0x2883D64 (Table: ZWAMESSAGE, Size: 165916672 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ContactsV2.sqlite : 0x45C06 (Table: ZWAADDRESSBOOKCONTACT, Size: 1036288 bytes)

From: 19562639196@s.whatsapp.net HIDTA Commander Manny Marroquin

Priority: Normal

Status: Read

Platform: Mobile

4/11/2022 8:38:11 AM(UTC-5)

Source Info:
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ChatStorage.sqlite : 0x2883DD1 (Table: ZWAMESSAGE, Size: 165916672 bytes)
EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ContactsV2.sqlite : 0x4F4F4 (Table: ZWAADDRESSBOOKCONTACT, Size: 1036288 bytes)

From: 19567352329@s.whatsapp.net Inv. Jerry Gonzalez

10*4

Priority: Normal

Status: Read

Platform: Mobile

4/11/2022 8:38:24 AM(UTC-5)

Source Info:

EXTRACTION_FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ContactsV2.sqlite : 0x4CEB1 (Table: ZWAADDRESSBOOKCONTACT, Size: 1036288 bytes)
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From: 19564377425@s.whatsapp.net Rick Saenz

T4

Priority: Normal

Status: Read

Platform: Mobile

4/11/2022 8:39:09 AM(UTC-5)

Source Info:

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From: 19563526853@s.whatsapp.net Inv. JD Saenz

Mr. Ramirez, I know I speak for everyone here, we all have your back and we will always do!

Priority: Normal

Status: Read

Platform: Mobile

4/11/2022 9:55:47 AM(UTC-5)

Source Info:

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Reply

From: 19562567473@s.whatsapp.net Eddie Garcia

From: 19563528853@s.whatsapp.net Inv. JD Saenz

Mr. Ramirez, I know I speak for everyone here, we all have your back and we will always do!

Priority: Normal

Status: Read

Platform: Mobile

4/11/2022 9:55:47 AM(UTC-5)

Priority: Normal

Status: Read

Platform: Mobile

Label: Reply

4/11/2022 9:56:10 AM(UTC-5)

Source Info:
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 EXTRACTION FFS.zip/root/private/var/mobile/Containers/Shared/AppGroup/B0E5C93E-B760-4366-9784-8808A9291756/ChatStorage.sqlite : 0x2883BFD (Table: ZWAMESSAGE, Size: 185916672 bytes)

From: 13618282767@s.whatsapp.net Aileen Campos

Priority: Normal

Status: Read

Platform: Mobile

4/11/2022 9:56:53 AM(UTC-5)

Source Info:
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From: 19564371114@s.whatsapp.net Rachel Lopez

Priority: Normal

Status: Read

Platform: Mobile

4/11/2022 9:56:57 AM(UTC-5)

Source Info:
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Reply

From: 19567358076@s.whatsapp.net Cindy Garcia

From: 19563528853@s.whatsapp.net Inv. JD Saenz

Mr. Ramirez, I know I speak for everyone here, we all have your back and we will always do!

Priority: Normal

Status: Read

Platform: Mobile

4/11/2022 9:55:47 AM(UTC-5)

Yes we do!

Priority: Normal

Status: Read

Platform: Mobile

Label: Reply

4/11/2022 9:56:58 AM(UTC-5)

Source Info:
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Reply

(owner)

To: 19564220034@s.whatsapp.net Armando Ramirez
To: 19563528853@s.whatsapp.net Inv. JD Saenz
To: 13618282767@s.whatsapp.net Aileen Campos
To: 19562639196@s.whatsapp.net HIDTA Commander Manny Marroquin
To: 19565003565@s.whatsapp.net Carmen Villarreal
To: 13617012467@s.whatsapp.net Barbara Duval Co.
To: 19564371218@s.whatsapp.net Trini Investigator
To: 19567358076@s.whatsapp.net Cindy Garcia
To: 19562988585@s.whatsapp.net Bernice Garza
To: 19562570803@s.whatsapp.net Gerry Gonzalez DA
To: 19564371114@s.whatsapp.net Rachel Lopez
To: 19562226041@s.whatsapp.net Abel Villarreal
To: 13612311992@s.whatsapp.net Daniella Moreno Jim Hogg
To: 19568445148@s.whatsapp.net Gocha Ramirez - Boss
To: 19563539519@s.whatsapp.net Bel DAs Office
To: 19565737549@s.whatsapp.net pancho956flores
To: 19568449912@s.whatsapp.net Judy Solis
To: 19567359589@s.whatsapp.net Tanya Pena
To: 19565000011@s.whatsapp.net OscarM.
To: 19567352329@s.whatsapp.net Inv. Jerry Gonzalez
To: 19562082024@s.whatsapp.net Isabel Cantu - DA's Office
To: 19562560282@s.whatsapp.net Brenda HIDTA
To: 19565335266@s.whatsapp.net Alfredo Garcia
To: 19564876031@s.whatsapp.net Carmen Benitez
To: 19562630379@s.whatsapp.net Chema Alvarez
To: 19562576275@s.whatsapp.net Inv. Alejandro Grimaldo HIDTA
To: 19562575858@s.whatsapp.net Inv. Dario Marquez
To: 19564377425@s.whatsapp.net Rick Saenz
To: 19563098804@s.whatsapp.net Orta610
To: 19562566810@s.whatsapp.net Julie Leza
To: 19567351828@s.whatsapp.net Anna Flores
To: 19562567473@s.whatsapp.net Eddie Garcia
To: 19568445102@s.whatsapp.net Yari
To: 19565737369@s.whatsapp.net Melody Rosa
To: 13612075654@s.whatsapp.net Rumi Solis

From: 19563528853@s.whatsapp.net Inv. JD Saenz

Mr. Ramirez, I know I speak for everyone here, we all have your back and we will always do!

Priority: Normal

Status: Read

Platform: Mobile

4/11/2022 9:55:47 AM(UTC-5)

Always

Priority: Normal

Participant	Delivered	Read	Played
19564220034@s.whatsa pp.net Armando Ramirez	4/11/2022 10:01:37 AM(UTC-5)	4/11/2022 2 11:14:31 AM(UTC-5)	
19563528853@s.whatsa pp.net Inv. JD Saenz	4/11/2022 10:01:39 AM(UTC-5)	4/11/2022 2 10:18:00 AM(UTC-5)	
13618282767@s.whatsa pp.net Aileen Campos	4/11/2022 10:01:38 AM(UTC-5)	4/11/2022 2 10:01:40 AM(UTC-5)	
19562639196@s.whatsa pp.net HIDTA Commander Manny Marroquin	4/11/2022 10:01:39 AM(UTC-5)	4/11/2022 2 11:17:16 AM(UTC-5)	
19565003565@s.whatsa pp.net Carmen Villarreal	4/11/2022 10:01:38 AM(UTC-5)	4/11/2022 2 10:18:20 AM(UTC-5)	
13617012467@s.whatsa pp.net Barbara Duval Co	4/11/2022 10:01:38 AM(UTC-5)	4/11/2022 2 12:10:16 PM(UTC-5)	
19564371218@s.whatsa pp.net Trini Investigator	4/11/2022 10:01:38 AM(UTC-5)	4/11/2022 2 10:14:10 AM(UTC-5)	
19567358076@s.whatsa pp.net Cindy Garcia	4/11/2022 10:01:37 AM(UTC-5)	4/11/2022 2 11:53:39 AM(UTC-5)	
19562988585@s.whatsa pp.net Bernice Garza	4/11/2022 10:01:38 AM(UTC-5)	4/11/2022 2 10:05:15 AM(UTC-5)	
19562570803@s.whatsa pp.net Gerry Gonzalez DA	4/11/2022 11:12:54 AM(UTC-5)	4/11/2022 2 11:15:36 AM(UTC-5)	
19564371114@s.whatsa pp.net Rachel Lopez	4/11/2022 10:01:37 AM(UTC-5)	4/11/2022 2 10:02:24 AM(UTC-5)	
19562226041@s.whatsa pp.net Abel Villarreal	4/11/2022 10:01:38 AM(UTC-5)	4/11/2022 2 10:28:38 AM(UTC-5)	
13612311992@s.whatsa pp.net Daniella Moreno Jim Hogg	4/11/2022 10:01:37 AM(UTC-5)	4/11/2022 2 10:01:40 AM(UTC-5)	
19568445148@s.whatsa pp.net Gocha Ramirez ~ Boss	4/11/2022 10:01:39 AM(UTC-5)	4/11/2022 2 10:16:57 AM(UTC-5)	
19563539519@s.whatsa pp.net Bel DAs Office	4/11/2022 10:01:44 AM(UTC-5)	4/11/2022 2 10:13:42 AM(UTC-5)	
19565737548@s.whatsa pp.net pancho956flores	4/11/2022 10:01:37 AM(UTC-5)	4/11/2022 2 12:24:43 PM(UTC-5)	
19568449912@s.whatsa pp.net Judy Solis	4/11/2022 10:01:38 AM(UTC-5)	4/11/2022 2 10:01:38 AM(UTC-5)	
19567359589@s.whatsa pp.net Tanya Pena	4/11/2022 10:01:39 AM(UTC-5)	4/11/2022 2 10:10:43 AM(UTC-5)	

From: +19568445148 Gocha Ramirez - Boss
To: 19564374054 Alexandria Barrera (owner)

GJ next Friday. Please review cases you're going to present carefully. Alex and I will hopefully be done with trial by then (it's Balde remember) but I'll be there to speak to the GJ about the issue with Ms. Herrera's indictment and answer any questions they may have.

Priority: Normal

Participant	Delivered	Read	Played
19564374054 Alexandria Barrera		4/13/2022 12:45:27 PM(UTC-5)	

Status: Read

Platform:

4/13/2022 12:44:25 PM(UTC-5)

Source Info:
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From: +19568449912 Judy Solis
To: 19564374054 Alexandria Barrera (owner)

Priority: Normal

Participant	Delivered	Read	Played
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Status: Read

Platform:

4/13/2022 12:45:43 PM(UTC-5)

Source Info:
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From: +19567772099 Alfredo Garcia
To: 19564374054 Alexandria Barrera (owner)

Priority: Normal

Participant	Delivered	Read	Played
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Status: Read

Platform:

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Source Info:
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July 14, 2022

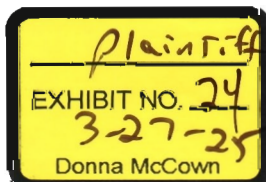
Mr. Clayton Hackett
Assistant Disciplinary Counsel
Travis Park Plaza
711 Navarro Street - Suite 750
San Antonio, Texas 78205
CMRRR: 7012 2210 0000 3368 7653
ALSO VIA EMAIL: chackett@texasbar.com

Re: 202202571 – Joanna Lynn Grossman – Gocha Allen Ramirez

Mr. Hackett:

In response to your letter dated July 1, 2022 and the six (6) questions that were asked, below are the responses.

1. The Assistant District Attorney (ADA) who issued both subpoenas duces tecum on January 12, 2022 as described in Section I, Paragraph B of my response was Abel Villarreal, Jr. It should be noted that, to the best of my knowledge, ADA Villarreal never reviewed the file after it was submitted by the Starr County Sheriff's Department.
2. On May 17, 2022, the file would have been turned into our intake clerk at the District Attorney's Office. It is my understanding that the ADA who then took control of the file was ADA Alexandria Barrera.
3. The ADA who presented the case to the Grand Jury was ADA Barrera. It would be a misstatement to say the ADA presented an "indictment". The indictment is not prepared until after the Grand Jury makes an independent decision whether to "true bill" or "no bill". The action of the Grand Jury is not dictated by the presenting ADA. It is my understanding that no other Attorneys were involved in this presentation.
4. The ADA who handled the case as described in Sections III and IV of my response was ADA Barrera.
5. An "indictment" was not presented to the Grand Jury. As stated earlier, the investigation is presented to the Grand Jury for their independent review, consideration and possible action ("no bill" or "true bill"). If a true bill is returned, then the indictment is prepared later for signature by the foreperson.



DEFENDANTS 000014


My understanding of why this investigation was presented to the Grand Jury is, obviously, ADA Barrera mistakenly believed that a crime might have been committed by Ms. Herrera and wanted the Grand Jury to consider the facts.

6. The remedial action that was taken by me was to immediately contact defense counsel to advise him that I was going to dismiss the indictment, prepare and put out a press release that the indictment would be, immediately dismissed and that Ms. Herrera could not and would not be prosecuted, explaining that Ms. Herrera had not committed a crime, met with Ms. Herrera and her family personally that same day to issue a personal apology and explain the forthcoming dismissal and then filing the Motion to Dismiss the next morning.

Remedial action is defined as "affording a remedy". The aforementioned actions that I took were all remedial in nature, were taken immediately and were the only remedial actions available to "afford a remedy" to the situation I was presented with. It is my position that any action that I take in the future with regard to ADA Barrera and her involvement in this case would not be "remedial" but punitive in nature, as they would not "afford a remedy" for the situation involving Ms. Herrera.

Please be advised that the complete file requested by subpoena, along with the executed Business Records Affidavit, is being forwarded to you under separate cover.

Respectfully,



GOCHA ALLEN RAMIREZ
229TH JUDICIAL DISTRICT ATTORNEY
401 N. Britton Avenue, Suite 417
Starr County Courthouse
Rio Grande City, TX 78582
SBN: 16501800
Tele: (956) 716-4800 x 8553
Email: gocha.ramirez@da.co.starr.tx.us

 Outlook

Re: Case No. 202202571; Grossman/Ramirez

From Gocha Ramirez <gocha.ramirez@da.co.starr.tx.us>
 Date Fri 1/19/2024 11:46 AM
 To Clayton Hackett <Clayton.Hackett@TEXASBAR.COM>



Good morning Mr. Hackett. I am in receipt of the modified Findings of Fact. I am concerned about the language in #5. Unless the panel has concluded that the ADA was not truthful during her testimony when she said that she wasn't aware of 19.06, wouldn't a more accurate finding be that "Respondent failed to refrain..."? Or language to the effect that we "failed to refrain from prosecuting a charge that was not supported by probable cause"?

The proposed language makes a finding that my ADA's and I knew about 19.06 and purposely ignored the statute. I just need clarification on whether that is the finding of the panel or whether we can modify the language to read "Respondent and attorneys under Respondent's supervision failed to refrain from prosecuting a charge that was clearly not supported by probable cause". Thank you. GAR

From: Clayton Hackett <Clayton.Hackett@TEXASBAR.COM>
 Sent: Friday, January 19, 2024 10:31 AM
 To: Gocha Ramirez <gocha.ramirez@da.co.starr.tx.us>
 Subject: RE: Case No. 202202571; Grossman/Ramirez

You don't often get email from clayton.hackett@texasbar.com. [Learn why this is important](#)

Good morning Mr. Ramirez. Thank you for the email. Please see attached, which removes the victim's name and the word abortion, but does identify Penal Code 19.06. Please let me know if you have further questions or wish to discuss.

Thank you,
 -ch

From: Gocha Ramirez <gocha.ramirez@da.co.starr.tx.us>
 Sent: Thursday, January 18, 2024 9:32 AM
 To: Clayton Hackett <Clayton.Hackett@TEXASBAR.COM>
 Subject: Re: Case No. 202202571; Grossman/Ramirez

Good morning Mr. Hackett. As per our conversation yesterday, I am respectfully requesting a modification of the language in Finding of Fact #4. I would request that it read as follows

4. Assistant District Attorneys under Respondents supervision sought to pursue criminal homicide charges against an individual for an act clearly not criminal by definition.

I am requesting this modification so as not to publish the victims name and , once again, bring her unwanted publicity for my mistake. I see no logical reason to publish her name again. In addition, the language concerning "abortion" I believe to be unnecessary. After my acts for which I am being sanctioned, my office and I received hundreds of "hate" emails and correspondence, including threats against both myself and my staff. I respectfully contend that the "self induced abortion" language is inflammatory and will subject both myself and my office to additional threats of harm. And my proposed modification clearly sets out the same violation

DEFENDANTS 000188

without the language that I believe will result in more threats to the safety of myself and my staff.

Thank you in advance for your consideration of the requested modification. Sincerely, Gocha Allen Ramirez

From: Clayton Hackett <Clayton.Hackett@TEXASBAR.COM>
Sent: Wednesday, January 17, 2024 3:46 PM
To: Garlaw2 <garlaw2@aol.com>
Cc: Gocha Ramirez <gocha.ramirez@da.co.starr.tx.us>
Subject: RE: Case No. 202202571; Grossman/Ramirez

You don't often get email from clayton.hackett@texasbar.com. [Learn why this is important](#)

Good afternoon Mr. Ramirez,

Thank you for getting back with me quicker than I'd anticipated, and no need to apologize for the length of your correspondence. I do not have the authority for a two month probated suspension; the best that I can do at this time is a one year fully probated suspension. Please see attached proposed judgment to that effect. I have incorporated your requested change to finding of fact #7, and reduced attorney's fees. My understanding is that an agreed judgment at this stage would result in only the Judgment becoming public record. My understanding is in the event of a judgment by an evidentiary panel, more of the file would be subject to public disclosure.

Please let me know if you have further questions or wish to discuss.

Thank you,

B. Clayton Hackett

Assistant Disciplinary Counsel
State Bar of Texas, Office of the Chief Disciplinary Counsel
San Antonio Region

PLEASE NOTE OUR NEW ADDRESS, BELOW:

9311 San Pedro Avenue, Suite 1000

San Antonio, Texas 78216

(210) 208-6600 (Phone)

(210) 208-6677 (Fax)

clayton.hackett@texasbar.com

From: Garlaw2 <garlaw2@aol.com>
Sent: Friday, January 12, 2024 11:41 AM
To: Clayton Hackett <Clayton.Hackett@TEXASBAR.COM>
Subject: Case No. 202202571; Grossman/Ramirez

You don't often get email from garlaw2@aol.com. [Learn why this is important](#)

Good morning Mr. Hackett. As I represented to you in our last telephone conversation, I do not agree with the panel's recommendation for sanction in the above-referenced matter. Having said that, I am interested in entering into an agreed resolution of this matter. While I continue to maintain that a public reprimand would be an appropriate sanction pursuant to

DEFENDANTS 000189

Sec. 15.06 (A) (3), my understanding is that this sanction cannot be considered. In spite of this understanding, I would respectfully request that the panel and/or you first reconsider this option. If, after review of the facts and Sec. 15.06 (A) (3), the sanction of a public reprimand cannot be reconsidered, then my proposal for sanction is as follows:

A. A two (2) month fully probated suspension beginning April 1, 2024 and ending May 31, 2024;

B. Attorney's fees and expenses in the amount of \$500.

As for the findings of fact, I have no dispute with the wording of findings #'s 1,2,3,4,5,6,8,9, and 10. I would respectfully request that the wording of #7 be changed to read that " Respondent knowingly permitted the conduct of the Assistant District Attorney under his direct supervision". I believe that only one (1) wrongful act is necessary to support this particular finding. And I do not believe that any evidence was discovered during the investigation to support a finding that I "ordered or encouraged" the conduct of the Assistant DA. And this may or not be pertinent but the findings read " Respondent and Assistant DA's" (plural). I don't know that more than one assistant was found to be involved the prosecution besides myself.

I am respectfully requesting the above stated options of sanction with the assumption that the panel and you have fully considered all the mitigating factors listed in Sec. 15.09 (C) (2), including subsections (a), (b), (d) (g) and (l).

As I represented to you in our last conversation, my main concern is not so much personal as I have been practicing almost 45 years , all the while in good standing with the State Bar. My main concern, as a public servant, is trying to maintain the credibility. of this office moving forward from this unfortunate matter. I fully understand that this is not the concern of the State Bar during this type of inquiry and that the Bar must scrutinize only the alleged misconduct in reaching a decision. Obviously whatever agreed resolution is finally entered into, along with any requisite conditions ordered, will be fully followed by me.

The only question I have is whether or not the FULL record, including the investigative file forwarded to you, will also be public record. In view of the Attorney General's opinion and so as to mitigate further damage to the victim, I am hopeful that only the final Agreed Judgement will be made available to the public, if requested.

And I hope that the length of this correspondence is not out of line.

Sincerely,

Gocha Allen Ramirez



FILE NO. 202202571

IN THE MATTER OF:	§	INVESTIGATORY PANEL 12-2
	§	
GOCHA A. RAMIREZ,	§	DISTRICT 12
BAR NO. 16501800	§	
	§	GRIEVANCE COMMITTEE

AGREED JUDGMENT OF PROBATED SUSPENSION**Parties and Appearance**

Chief Disciplinary Counsel and Respondent, Gocha A. Ramirez, Texas Bar Number 16501800, announce that an agreement has been reached on all matters including the imposition of a Probated Suspension.

Jurisdiction and Venue

The Investigatory Panel 12-2, having conducted an Investigatory Hearing on March 1, 2023 and continued on December 6, 2023 on the Complaint filed by Joanna L. Grossman, finds that it has jurisdiction over the parties and the subject matter of this action, and that venue is proper.

Professional Misconduct

The Investigatory Panel, having considered the admissions, stipulations and agreements of the parties, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.

Findings of Fact

Petitioner and Respondent agree to the following findings of fact. Accordingly, the Investigatory Panel finds:

1. Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas.
2. Respondent's Professional Misconduct occurred, in whole or in part, in Starr County, Texas.
3. At all relevant times, Respondent was the District Attorney of Starr County, Texas.

Agreed Judgement of Probated Suspension

Page 1 of 5

DEFENDANTS 000060

4. Assistant District Attorneys under Respondent's supervision sought to pursue criminal homicide charges against an individual for acts clearly not criminal pursuant to Texas Penal Code § 19.06.
5. Respondent failed to refrain from prosecuting a charge that was known not to be supported by probable cause.
6. Respondent was consulted by an Assistant District Attorney prior to the matter being presented to the Grand Jury.
7. Respondent knowingly permitted the conduct of the Assistant District Attorney under his direct supervision.
8. With knowledge of the violation of disciplinary rules by Respondent's Assistant District Attorneys, Respondent knowingly failed to take reasonable remedial action to avoid or mitigate the consequences of the Assistant District Attorneys.
9. Respondent denied to the Office of the Chief Disciplinary Counsel that he was aware of the facts of the case, nor that he was ever briefed on the facts of the case, prior to the matter being presented to the Grand Jury.
10. In connection with the investigation made the basis of this disciplinary matter, Respondent knowingly made a false statement of material fact in his written response to the complaint.
11. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorneys' fees and direct expenses associated with this Disciplinary Proceeding in the amount of \$1,250.00.

Conclusions of Law

Based on the agreed foregoing findings of fact, the Investigatory Panel finds that the following Texas Disciplinary Rules of Professional Conduct have been violated: 8.01(a), 3.09(a), 5.01(a), and 5.01(b).

Sanction

It is AGREED and ORDERED that the sanction of a Probated Suspension shall be imposed against Respondent and is in accordance with Part XV of the Texas Rules of Disciplinary Procedure.

Accordingly, it is ORDERED, ADJUDGED and DECREED that Respondent be suspended from the practice of law for a period of 1 year with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on April 1, 2024 and shall end on March 31, 2025.

Terms of Probation

Agreed Judgement of Probated Suspension

Page 2 of 5

DEFENDANTS 000061

It is further ORDERED that during all periods of suspension, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
2. Respondent shall not engage in Professional Misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.
3. Respondent shall not violate any state or federal criminal statutes.
4. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses, email addresses and telephone numbers.
5. Respondent shall comply with Minimum Continuing Legal Education requirements.
6. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
7. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of Professional Misconduct.
8. Respondent shall pay all reasonable and necessary attorney's fees and direct expenses, on or before the signing of this judgment, to the State Bar of Texas in the amount of \$1,250.00. The payment shall be by certified or cashier's check or money order, made payable to the State Bar of Texas and delivered to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
9. Respondent shall make contact with the Chief Disciplinary Counsel's Offices' Compliance Monitor at 877-953-5535, ext. 1334 and Special Programs Coordinator at 877-953-5535, ext. 1323, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

Probation Revocation

Upon information that Respondent has violated a term of this judgment, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to Rule 2.22 of the Texas Rules of Disciplinary Procedure with the Board of Disciplinary Appeals ("BODA") and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this Judgment. If BODA finds grounds for revocation, BODA shall enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order. Respondent shall not be

given credit for any term of probation served prior to revocation.

It is further ORDERED that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

Attorney's Fees and Expenses

It is further ORDERED Respondent shall pay all reasonable and necessary attorney's fees and direct expenses, on or before the signing of this judgment, to the State Bar of Texas in the amount of \$1,250.00. The payment shall be made by certified or cashier's check or money order, made payable to the State Bar of Texas and delivered to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

It is further ORDERED that all amounts ordered herein are due to the misconduct of Respondent, are assessed as a part of the sanction in accordance with Rule 1.06(F) of the Texas Rules of Disciplinary Procedure. Any amount not paid shall accrue interest at the maximum legal rate per annum until paid and the State Bar of Texas shall have all writs and other post-judgment remedies against Respondent in order to collect all unpaid amounts.

Publication

This suspension shall be made a matter of public record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

Other Relief

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 25th day of January, 2024.

**INVESTIGATORY PANEL 12-2
DISTRICT 12**


**Katherine D. Julia
PRESIDING MEMBER**

AGREED AS TO FORM AND SUBSTANCE:


**Gocha A. Ramirez
State Bar No. 16501800
RESPONDENT**


**B. Clayton Hackett
State Bar No. 24078612
ASSISTANT CHIEF DISCIPLINARY COUNSEL**

**Agreed Judgment of Probated Suspension
Page 5 of 5**

DEFENDANTS 000064

STATE OF TEXAS §

§

HIDALGO COUNTY §

AFFIDAVIT OF BECKY ANN ROCHA

BEFORE ME, the undersigned notary public on this day personally appeared BECKY ANN ROCHA known to me, and first being duly sworn according to law upon her oath depose and stated as follows:

“My name is Becky Ann Rocha. I am over 18 years of age. I have never been convicted of a crime or moral turpitude or a felony. I am of sound mind and am capable of making this affidavit. I am fully competent to testify to the matters stated herein. I have personal knowledge of the facts stated herein.

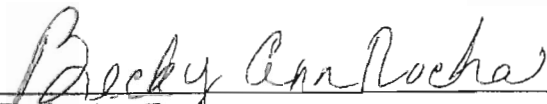
I am in possession of certain text messages between myself and Gocha A. Ramirez which I have provided to the attorneys for Lizelle Gonzalez and are attached hereto as Exhibit “A”. At the time of the messages, Gocha A. Ramirez’s phone number was (956) 844-5148 and my number was (956) 257-5225. The individual identified in the messages as “Alana Rmrz” is Gocha Allen Ramirez with the above-referenced number. I affirm that screen shots of text messages on Exhibit “A” are true and accurate representations of the conversations I had via text with Gocha A. Ramirez on April 12, 2022, as indicated in the messages. I affirm that the messages have not been altered or manipulated in any way since the time I received them.

I am providing this information of my own free will. No one has forced me or promised me anything to provide this information.”

Further Affiant sayeth not.

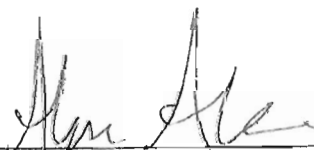
Signed this the 29th day of January 2025.




Becky Ann Rocha

SWORN TO AND SUBSCRIBED TO before me, the undersigned authority, on this the 29th day of January 2025.




Notary Public in and for
The State of Texas

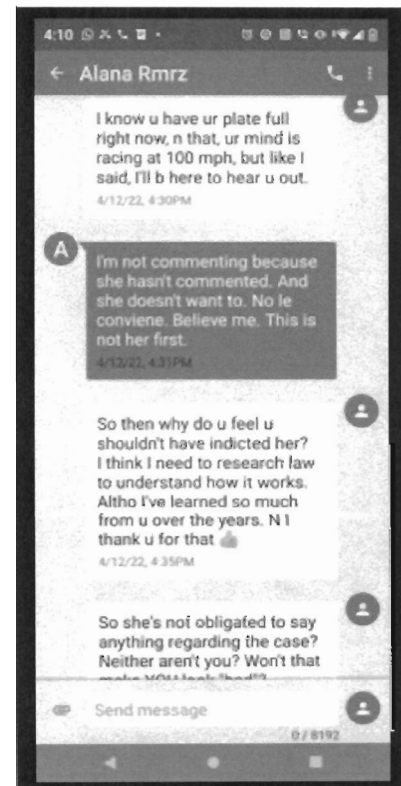
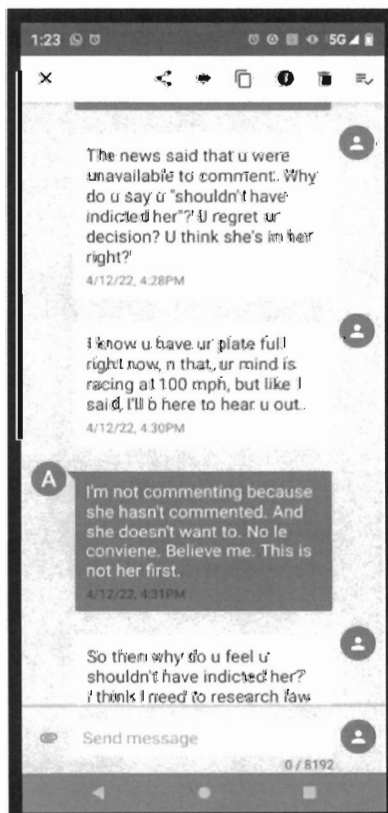
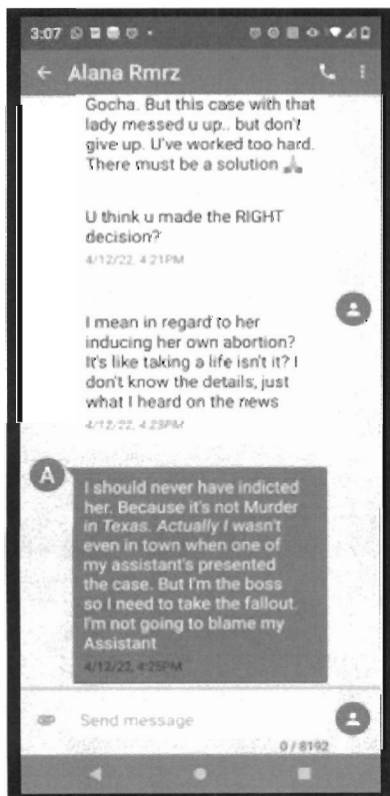
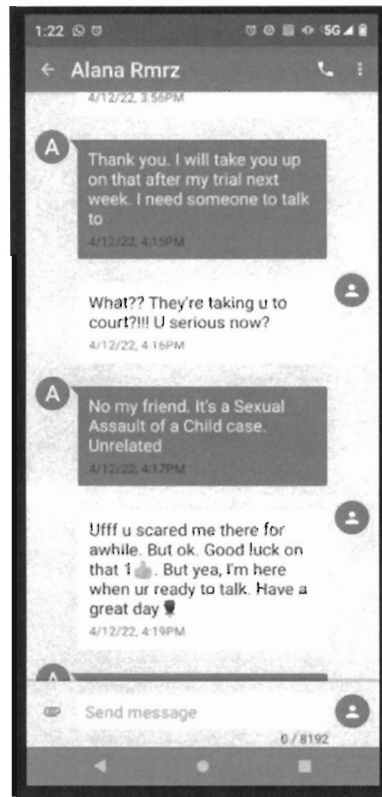
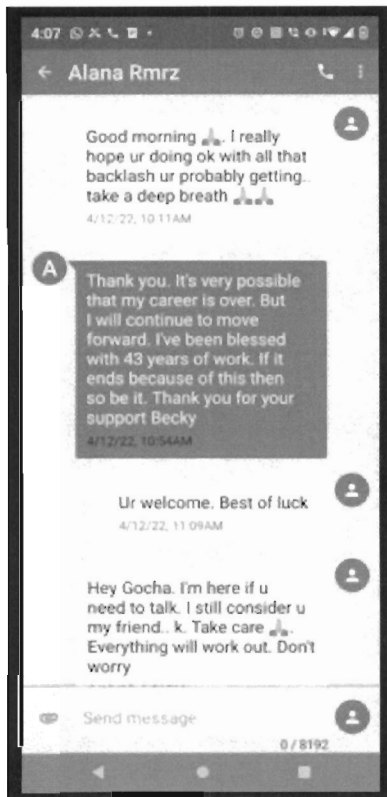
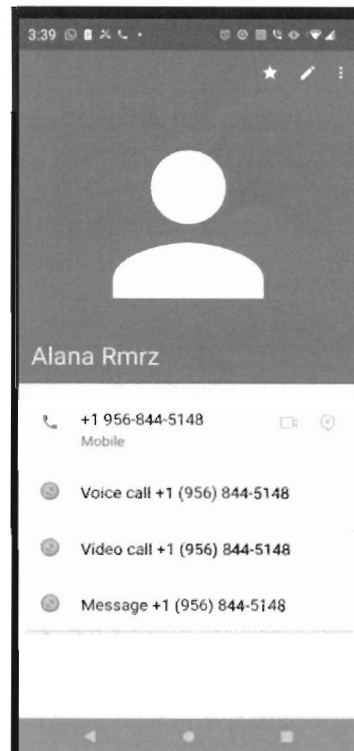
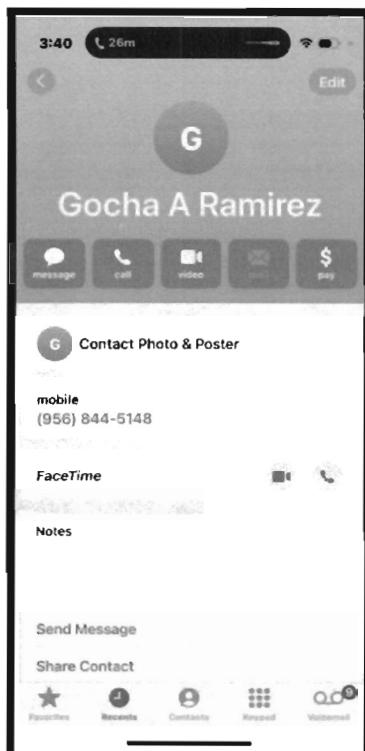
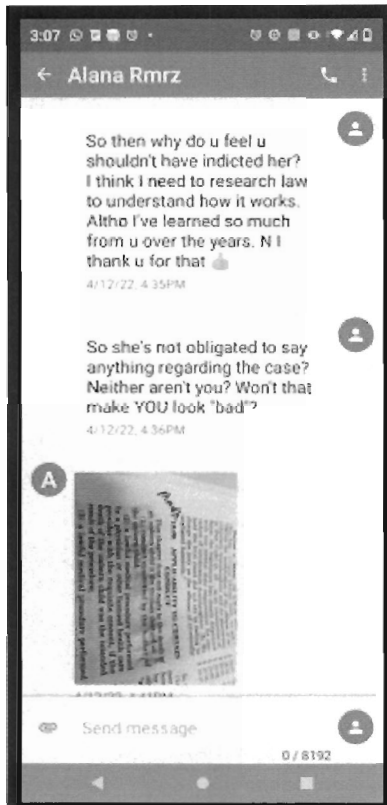


EXHIBIT A

GONZALEZ 0163



From: +19568445148 Ramirez (owner)

<https://apple.news/AaNG3XwLcRkWJz9viC7AYHw>

Attachments:



Title: 585FB403-BF4D-4A3F-BFAA-0A8DF1FC6556.63D67043-EA61-4FD0-A907-BCBFE65D815A.pluginPayloadAttachment
Size: 1048084

File name: ~/Library/SMS/Attachments/02/02/at_0_F1311D85-CEC3-4CF7-8954-FEE0B97F59A2/585FB403-BF4D-4A3F-BFAA-0A8DF1FC6556.63D67043-EA61-4FD0-A907-BCBFE65D815A.pluginPayloadAttachment
~/Library/SMS/Attachments/02/02/at_0_F1311D85-CEC3-4CF7-8954-FEE0B97F59A2/585FB403-BF4D-4A3F-BFAA-0A8DF1FC6556.63D67043-EA61-4FD0-A907-BCBFE65D815A.pluginPayloadAttachment

Priority: Normal

Status: Sent

Platform:

4/13/2022 9:41:54 AM(UTC-5)



From: +19564374054 Alexandria Barrera
To: +19568445148 Ramirez (owner)

Lol - I wanted to block him from my work email. Too much time on his hands.

Priority: Normal

Participant	Delivered	Read	Played
+19568445148 Ramirez		4/16/2022 11:01:46 AM(UTC-5)	

Status: Read

Platform:

4/16/2022 9:41:39 AM(UTC-5)

From: +19568445148 Ramirez (owner)

I don't mind people talking to Jesus. But when HE starts talking back....

Priority: Normal

Status: Sent

Platform:

4/16/2022 11:03:45 AM(UTC-5)

From: +19564374054 Alexandria Barrera
To: +19568445148 Ramirez (owner)

Priority: Normal

Participant	Delivered	Read	Played
+19568445148 Ramirez		4/16/2022 2 11:27:30 AM(UTC-5)	

Status: Read

Platform:

4/16/2022 11:19:46 AM(UTC-5)

Plaintiff

28

04-04-25 - Donna McCown

From: +19564374054 Alexandria Barrera
To: +19568445148 Ramirez (owner)

Sir can you let me know when you have time to speak. Abortion case.

Priority: Normal

Participant	Delivered	Read	Played
+19568445148 Ramirez		2/1/2022 3:17:15 PM(UTC-6)	

Status: Read

Platform:

2/1/2022 3:00:49 PM(UTC-6)

From: +19568445148 Ramirez (owner)

GM Alex! Where are we supposed to be first? Early College or RHS?

Priority: Normal

Status: Sent

Platform:

2/4/2022 8:00:55 AM(UTC-6)

From: +19564374054 Alexandria Barrera
To: +19568445148 Ramirez (owner)

Good morning we just have RHS today. And it's just the morning.

Priority: Normal

Participant	Delivered	Read	Played
+19568445148 Ramirez		2/4/2022 8:05:32 AM(UTC-6)	

Status: Read

Platform:

2/4/2022 8:01:25 AM(UTC-6)